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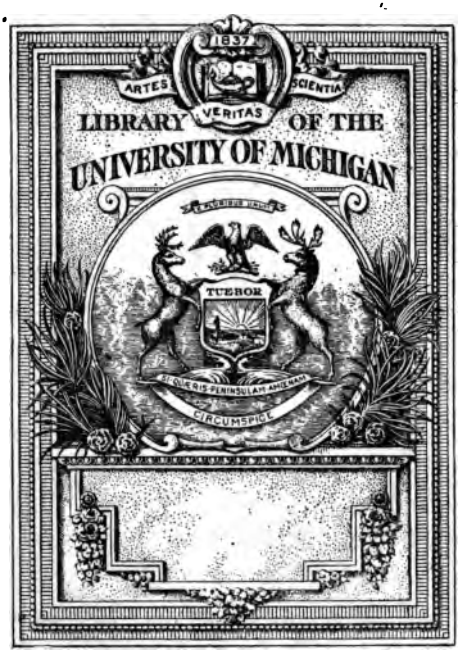
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WHAT IS AMERICA?

WHAT IS AMERICA?

BY

EDWARD ALSWORTH ROSS, PH.D., LL.D.
Professor of Sociology, University of Wisconsin.
Author of "Social Control," "Social Psychology," "The Changing Chinese," "Changing America," "Russia in Upheaval," etc.

ILLUSTRATED WITH TWENTY-TWO MAPS AND DIAGRAMS

NEW YORK
THE CENTURY CO.
1919

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Published, June, 1919

TO
MY FRIEND
THOMAS NIXON CARVER
CHAMPION AND SAMPLE OF VIRILE,
STURDY AMERICANISM
THIS BOOK IS DEDICATED

345656

FOREWORD

Our society is developing as the Fathers neither foresaw nor intended. Its path is determined chiefly by the instincts of multitudes —as in the westward movement and European immigration—by our inherited institutions, and by the remoter effects of mechanical inventions. In the course of this development strain is produced on a large scale. Accordingly, the collective will comes into action with means of relief, but it trails along well in the rear of social evolution. Always there are strains not yet relieved, and, the more rapidly society evolves, the more of these strains there are. Since we are apt to blame some one for these strains communicated to us through others, it ought to help us keep our tempers if we recognize that for much suffering no one is to blame. You cannot lay it to *persons,* it is simply *a by-product of social evolution.* Of course we should seek out a remedy, but, in the meantime, we need not begin

to quarrel among ourselves and hate one another.

The bulk of Americans well understand this. There are some who will do nothing about the suffering in the wake of social evolution, lest their profits be disturbed. There are others who hold certain individuals responsible for this suffering and would wreck society in order to get at them. Between these are the steady-going millions who, without losing their tempers, seek patiently for remedies. They have contended with a long series of grave problems, yet have not turned bitter. They exhibit that "firm adherence to justice, moderation, temperance, frugality, and virtue" without which, according to the Virginia Bill of Rights of 1776, "no free government, or the blessings of liberty, can be preserved to any people."

It is to vindicate and commend this "virtuous democracy" that I offer this little book.

Edward Alsworth Ross.

Madison, Wisconsin.

May, 1919.

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WHAT IS AMERICA?

WHAT IS AMERICA?

CHAPTER I

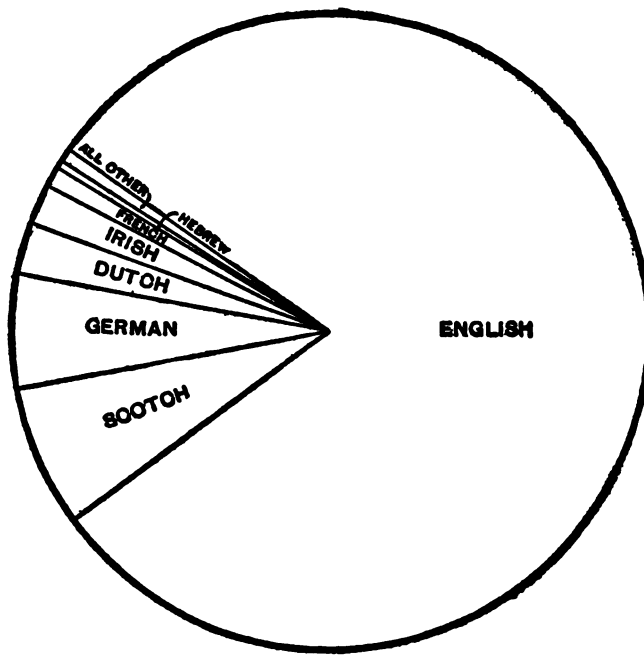
THE MAKE-UP OF THE PEOPLE

WHAT distinguishes the thirteen English colonies planted in North America from most colonies is that a third or more of the original settlers of the former left the Old World in order to escape from some form of religious or political oppression. This made the American people rich in precious human strains which have never run out. Probably even now a fourth part of their blood comes from the twenty thousand English Puritans who came to Massachusetts and Connecticut between 1618 and 1640. It endowed them also with traditions of liberty and idealism which continually rise to the surface to confound those who sneer at Americans as "dollar-hunters."

In the seventeeth century the chief non-English strains woven into the white population of the colonies were the Dutch, who settled New

Netherland, which later became the colony of New York, and a few thousand splendid French Huguenots. In the eighteenth century came great numbers of Scotch, of Irish Presbyterians from the province of Ulster, and of Germans from the ravaged lands on the upper Rhine. These last settled in Pennsylvania and became the ancestors of those whom we call the "Pennsylvania Dutch." At the time of the first census, in 1790, the young nation had less than three million whites, of whom, to judge by family names, 83.5 per cent. were of English stock; 6.7 per cent. Scotch; 5.6 per cent. German; 2 per cent. Dutch; 1.6 per cent. Irish, and 0.5 per cent. French.

Meanwhile the conditions were converting this mixture of unlike elements into a new people. Of every generation some left the family roof-tree to go out and settle in the roomy West. Generally these wanderers were bigger and stronger of body than those who stayed behind. In the Civil War the recruits from interior states were found to be taller and heavier than the recruits from seaboard states. Of course the sons of the old distinguished families did not migrate, but, in general, those who went west must have excelled in energy and



Proportion of total population formed by each nationality: 1790

venturesomeness their kinsmen who stayed where they were born. It was the trout rather than the carp that left the pool in order to get into the swift water.

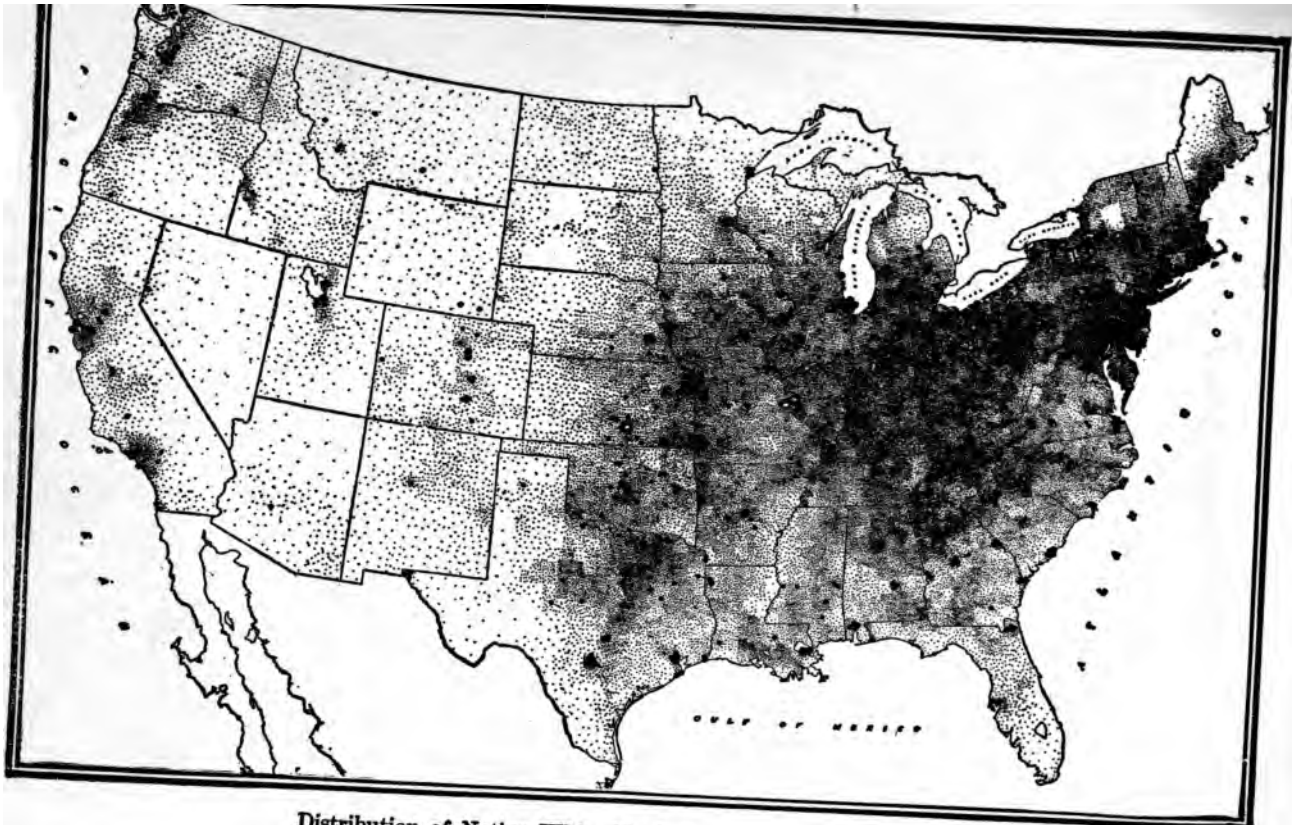
Now, the wanderers "out West" multiplied faster than the stay-at-homes. With land aplenty and prospects bright, they married earlier and they raised bigger families. Small wonder, then, that for a hundred years, in the population of our younger states, the proportion of children has been from thirty to a hundred per cent. greater than in the older states. In this simple, natural way the bold and pushful gained in numbers on the timid, inert sort and came to constitute an ever-larger part of the American people.

No one maintains that the American breed surpasses the mother stocks overseas in brain-power or sensibility; but for fifty years all European visitors have been struck by the wonderful energy and enterprise of the Americans.

We see now that there is nothing strange in this, for these are just the qualities which are made more abundant as the wilderness is settled. Here is the secret of the large number of forceful men in the ordinary American community. Here, too, is the explanation of the high-

pressure, get-there-at-any-cost American spirit, which leaves in its wake achievement and prosperity—also neurasthenia, heart failure, and broken commandments!

In sharp contrast with these whites are the American negroes, descended from enslaved Africans. They are now but a tenth of the population, whereas a century ago they were not fewer than a fifth. Owing to the great inpouring from Europe, the whites have outstripped the blacks in rate of growth, but let no one suppose the negro element here is at a standstill. It numbers now ten million souls, having more than doubled since the abolition of slavery in 1863. The great bulk of negroes are in the South, for in the North the climate does not suit them and they tend to die out. Four fifths of them are in the "Black Belt," a chain of counties reaching from Virginia to Texas, in which the blacks outnumber the whites. In one county in Mississippi the negroes are six to one white, in another ten to one. In many counties of the Black Belt three fourths of the population are negroes. When the whites form such a small minority, it is very hard for them to maintain the standards of the white man's civilization.



Distribution of Native White Stock in the United States—1910

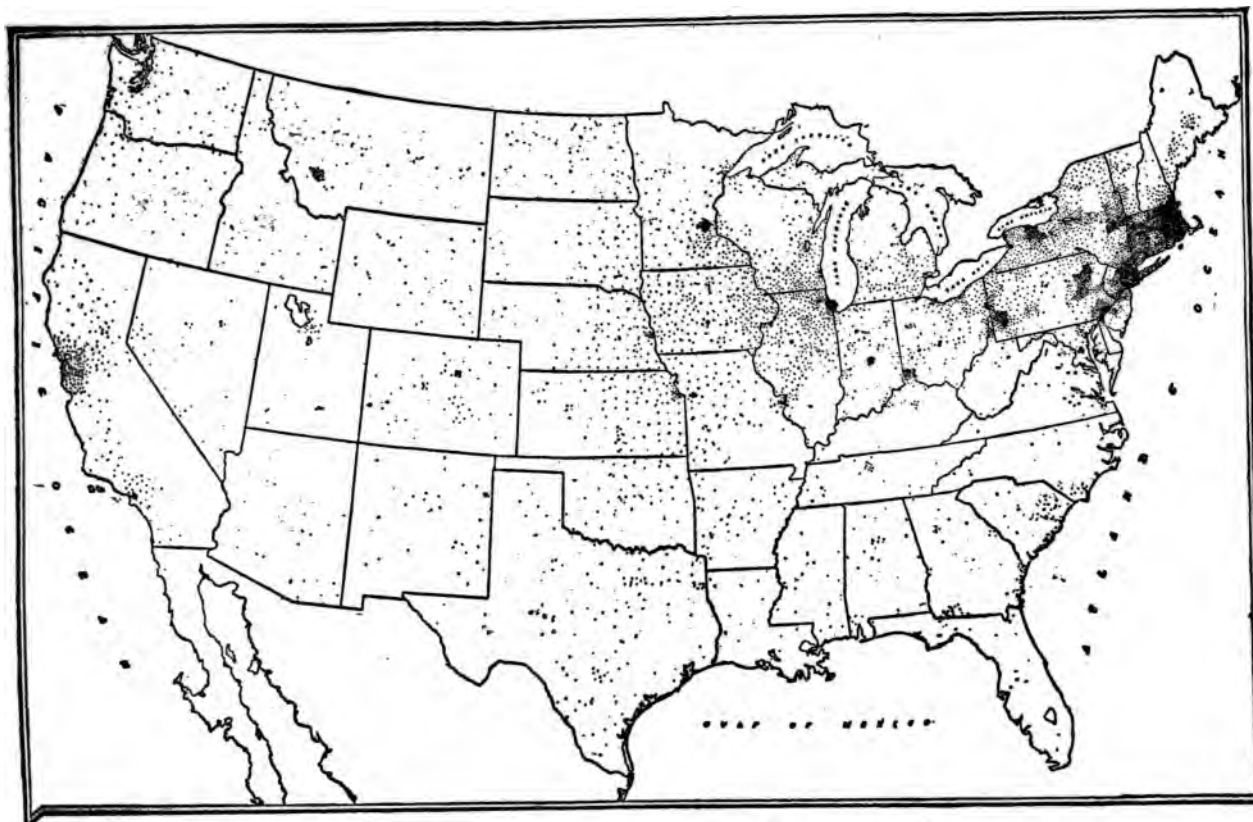
Crime and pauperism are many times greater among the negroes than among the whites and at least half the negroes live under bad conditions. Their death-rate is from fifty to a hundred per cent. higher than that of the whites about them. Now that they are free, the coarse and stupid ones are at liberty to make more mistakes and do themselves more harm than ever they could as slaves. They are rapidly being sifted, and in great numbers those negroes who cannot meet the requirements and resist the vices of our civilization are dying off. Meanwhile the relations between many white men and "colored" women cause white blood to take the place of negro blood in a part of each generation. Already from a third to a half of the "negroes" show the presence of some white blood. From these half-blacks and quarter-blacks come the "negroes" that make a name for themselves and that resent most bitterly every form of race discrimination.

The grant of the suffrage (1870) to two million ex-slaves marked the high tide of American faith in the magical virtue of the ballot. The extravagance and corruption of the transient negro domination in the South, the "reconstruction" period, presented an object-lesson in the

perils of a formula. Gradually the North came to accept the Southerner's plea for white supremacy and for about twenty years the ballot has been denied the illiterate negroes of the South.

Schooling, too, has failed to bring the results hoped for. Slowly it has come to be perceived that the adjustment of the negroes to civilization will be a long process, for the bulk of them still behave much as a "nature" people. When they get up, they will mount not so much by the *upper* rungs of the white man's ladder—science and literature—as by the *lower* rungs—skill and thrift. The negro schools which have done the most good have been those, like Hampton and Tuskegee, which train for industry. As the black man becomes a deft, dependable worker, accumulates property, and lives up to the white man's standards, the better whites respect him and insist that he shall have a "square deal." The negroes excite less antipathy than formerly, and less sympathy. However, the number of Southern whites resolved to see justice done them grows steadily.

From the outbreak of the American Revolution until the fourth decade of the nineteenth



Distribution of Irish and natives of Irish Parentage—1910

century there was a lull in immigration from Europe. During these sixty years powerful assimilative forces were rapidly molding the motley population of the former colonies into a nation. In the roomy, hopeful West, men from every part of the East were blending into a common American type. Then came an epoch of vast immigration which largely undid the work of the nationalizing forces and brought upon us a heterogeneity like that of the period 1750–1775.

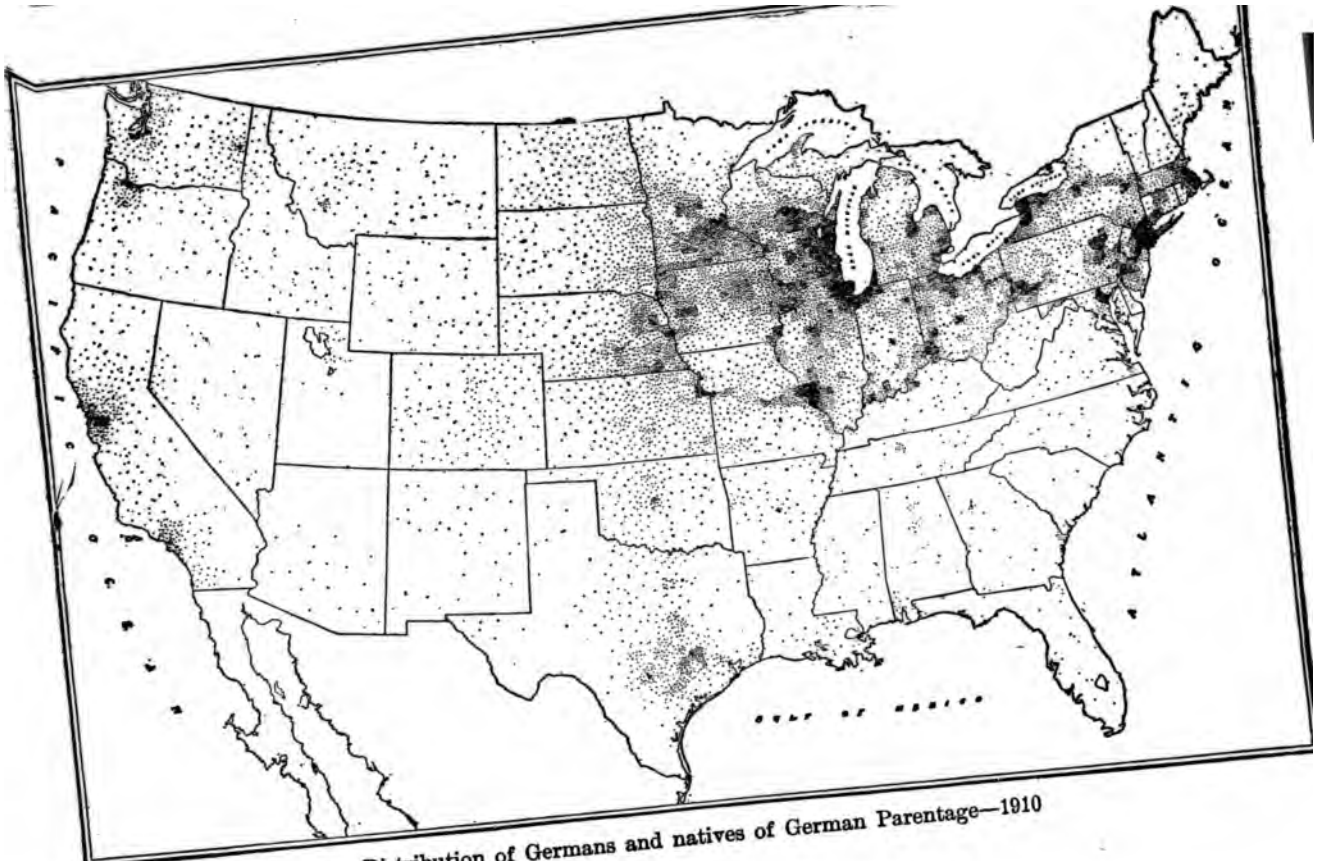
The first vast wave was the Celtic Irish, of whom at least four and a half millions have come over, more than the present population of the Green Isle! The time of famine and rebellion in Ireland, 1846–55, saw the crest of the wave, but there was another heavy influx after the troubles of 1880–81. Since the dawn in Ireland of the better day brought by small families, land reform, and the coöperative movement, the stream from there has narrowed to a trickle.

The Irish came here from nearly the worst possible economic conditions. The system they had been reared under did not foster foresight and thrift, so that many of the Irish immigrants never got upon a farm, but stagnated in cities

and crowded into the pick-and-shovel brigade. Forty years ago it was as certain that a navvy would be an Irishman as it is to-day that he will be an Italian. In American almshouses and slums they have been far more numerous than any other nationality.

Nevertheless, the rocketlike rise of the children and grandchildren of Hibernian immigrants proves how much ability was smothered in the humble classes of the Old World from sheer lack of opportunity. They shine at the bar, in teaching, in journalism, on the stage, in public life, and in all manner of executive positions. Their great gift is the knack of handling men. Thanks to this and to their clannishness, the Irish captured control of the great Northern cities a generation ago and, despite their own fine personal qualities, soon gave these cities the reputation of being the worst-governed ones in the civilized world. There are, however, no better fighters for higher civic ideals than some of the third-generation Irish.

The German tide of immigration swelled after the German political reaction from 1848 and flowed strong until about a quarter of a century ago. Altogether, not less than seven millions of Germans have sought the New World and



Distribution of Germans and natives of German Parentage—1910

German blood can hardly be less than a fourth part of the blood of white Americans. This infusion alone probably equals all the Spanish and Portuguese blood there is in South America.

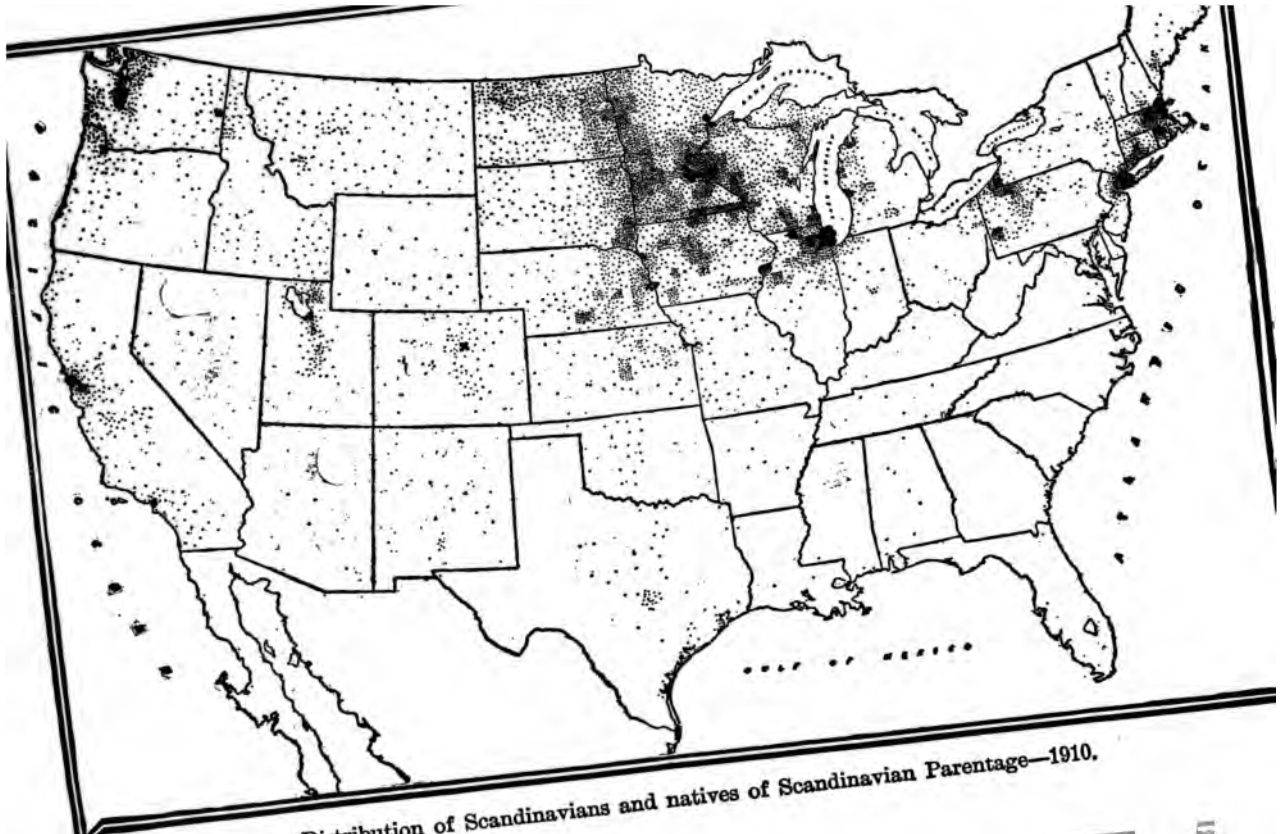
The Germans came to us with the economic virtues and they have done well for themselves. They got their feet upon the soil and had something to teach their American neighbors in the way of good farming. They abound in the skilled occupations and had much to do with starting manufactures in the United States. They are as apt for dealing with *things* as are the Irish for dealing with *folks*.

The big red barns of the American rural scene, the canvas-covered wagons of the Western pioneers, and the county or state agricultural fair—these came from the Pennsylvania Germans. The later Germans influenced Americans to care for beer, gymnastics, sedentary recreation, music, competency in civil servants, and intellectual liberty. But the dream of creating a "New Germany" in the United States has not been realized and, since the subsidence of the Teutonic freshet, *Deutschtum* is on the wane. The vast Pan-German propaganda for twenty years before the war had some effect; but, when the test came, the "German-Ameri-

cans" generally proved loyal to their adopted country.

Scandinavian immigration flowed strong for the half-century after the close of the Civil War and brought in altogether two million souls. Indeed, a quarter of all the Scandinavian blood in the world is over here. The Scandinavian immigrants have been attracted most by the climate and nature of the Northwest, stretching from Lake Michigan to Puget Sound. They are found on farms and in the outdoor occupations characteristic of the old country. They assimilate readily, for no immigrants respond more heartily than they to the American gospel of personal independence, good morals, and democracy. They furnish few leaders but many excellent citizens.

These three nationalities make the backbone of the old immigration. But about twenty-five years ago occurred a great shift in the sources of immigration. The flow from Northern and Northwestern Europe ran low, while the stream from Southern and Southeastern Europe became a flood. A million and a half Italians, chiefly from the less progressive southern half of the Italian peninsula, perhaps two and a half million Slavs—Poles, Bohemians, Slovaks,



Distribution of Scandinavians and natives of Scandinavian Parentage—1910.

Distribution of Italians and natives of Italian Parentage—1910

Ruthenians, Serbs, and Bulgars,—and two million East-European Jews have settled among us. Besides these, there are large numbers of Magyars, Portuguese, Greeks, and peoples from the former Turkish Empire.

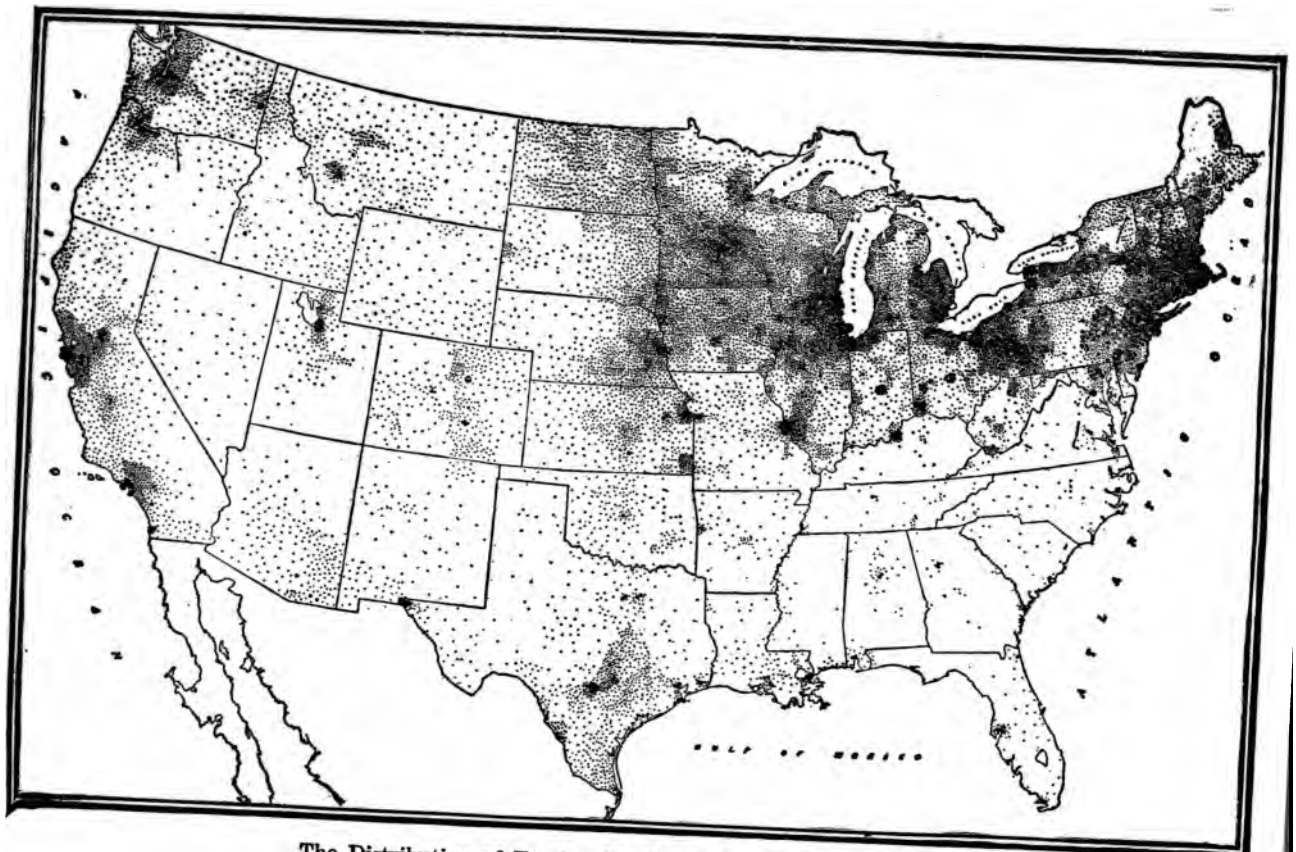
The result was that before the war a third of our people were of foreign parentage, while the foreign-born constituted a sixth of all the adults in the country. Never before had the foreign-born and their children formed so large a proportion of the American people. In Detroit and Cleveland but one man out of five had parents born in this country; in Chicago and New York, one out of six; in Milwaukee, one out of seven; and in Fall River, Mass., *one out of nine!*

The absorption of strangers in such numbers has effects both good and bad. It keeps society youthful, an arena of competition among individuals instead of among families. On the other hand, it fills the country too quickly, floods the unskilled occupations, and lowers the wages and standard of living of those already here, so far as they are brought into competition with the new-comers. It is bad for politics because it injects a lot of old-fashioned questions which were settled long ago in this country—

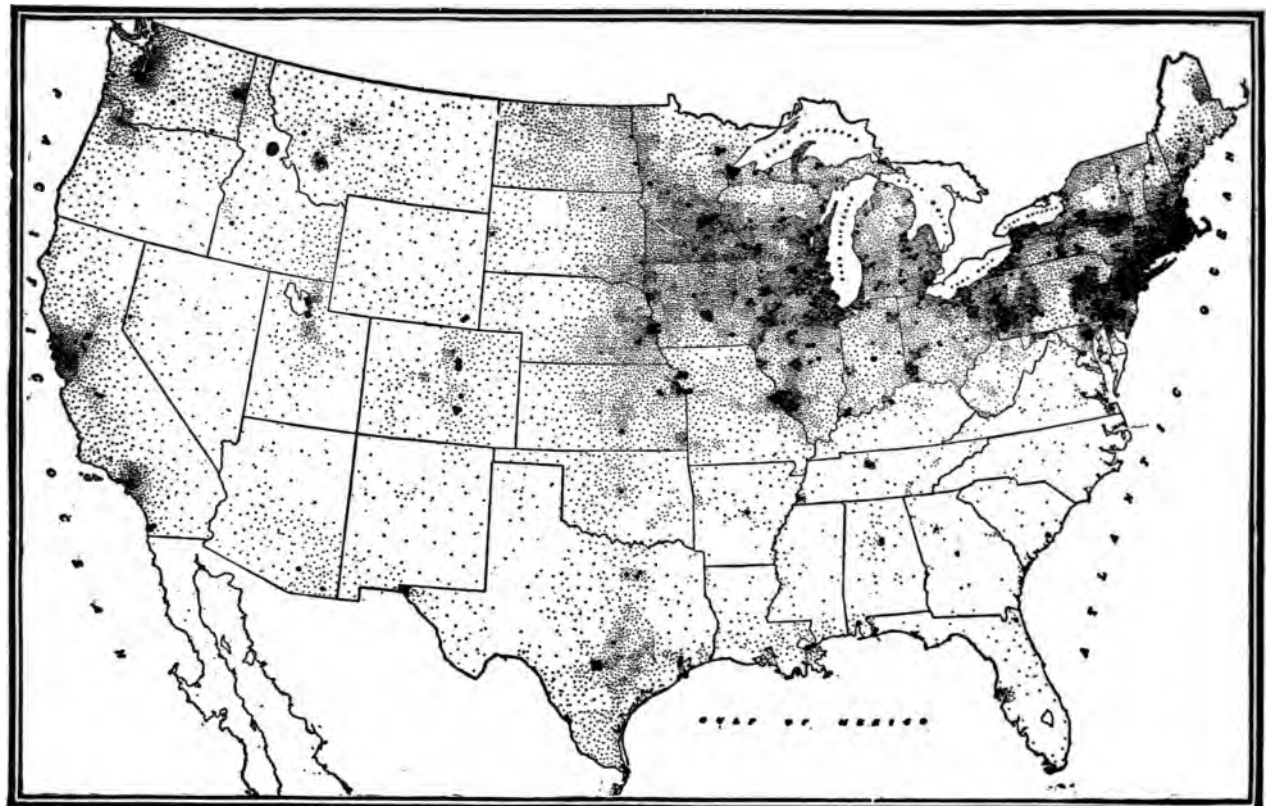
such as the relation of the church to the state, of the church to the school, of the state to the child, etc. We are forced to thresh over this old straw, when we ought to be thinking of such questions as the protection of labor, the control of monopoly, and the conservation of natural resources.

The new-comers from Europe have in no way been discriminated against. State laws limiting the proportion of aliens who may be employed on public work have been thrown out by the courts. When the immigrant has made good, he is welcomed into the fraternity of success and his American friends will tell with gusto how, a few years ago, he landed from the steerage without a dollar. Good will is wonderfully common and the immigrant who shows unusual aspirations finds friends at every turn.

On the other hand, it is not easy to protect effectively the non-English speaking immigrants, and some of them see little but the seamy side of America during their "green" years. After experiencing the misrepresentation, graft, and dishonesty of private employment bureaus, the extortions of foremen under the guise of "payment for the job" or "interpreter's fee," and the brutal handling by the "guards" hired



The Distribution of Foreign Stock in the United States—1910



Distribution of Foreign-Born Whites in the United States—1910

by employers in out-of-the-way places to break strikes, the immigrant may conclude, "American democracy is a sham." Happily, in recent years the alien has more friends to stand up for him, so that nowadays his ignorance is less abused.

The war caused us to realize that, in expecting that all the immigrants would of themselves come to understand what we are trying to do in this country, we expected too much. We found that many of the foreign-born live in colonies by themselves, speak and read the language of their mother-land, and have no concern for American institutions. Since the only Americans they come in contact with are those who are trying to make money out of them, they get the impression that Americans care only for the dollar.

If the Americans wanted a governing class in this country, they would be glad to have the foreign-born live to themselves. But such is not their aim. It is the American idea that public affairs should be the concern of all. Hence, an "Americanization" movement has sprung up, the aim of which is to enlist the good will and help of the foreign-born on behalf of the experiment in democracy we have embarked on.

The thought is that if every man who comes here is made to feel himself "one of the family," we shall come so much the nearer to President Lincoln's ideal of "government of the people, by the people, for the people."

CHAPTER II

MAKING A LIVING

NO state in the Union can interfere with commerce among the states. The result is that the economic life of the nation develops almost as if state lines did not exist. The vast area thus dedicated to free trade is so varied in climate and natural resources that it is virtually a world in itself. For this reason the internal trade of the United States completely overshadows its foreign trade in volume and importance, one result being that high duties on foreign goods imported have never cut off the consuming public from a very important or necessary market.

"Yankee ingenuity" is a byword. No doubt the Americans were as competent as any other people to provide themselves with manufactured goods. But factories were slow in coming, because for a hundred years the frontier vied with the factories in attracting the over-

flow of population from the farms. In other words, the lure of Western land retarded the growth of American manufactures. It was hard, too, for young enterprises of this kind to stand up under the practice of "dumping" by the older industries across the sea. Had nothing been done about it, it is likely that during its era of settlement the United States would have remained chiefly a producer of food and raw materials, exchanging its surplus for the products of Old-World factories. It was the unwillingness of the people to abide in such dependence on foreign sources of supply, and their desire for a symmetrical economic development of the nation, which prompted the policy of fostering home industries by a protective tariff. Owing to its specialization on cotton-growing, and to the unfitness of negroes as mill-hands, the South has been tardy in developing manufactures, and up to about 1900 set its face like flint against the high-tariff policy.

The one insatiable need of the country has been for transportation. Hence, the conquest of space is the epic exploit in our economic history. In a couple of lifetimes the Americans have had to equip a territory as big as all Europe, outside of Russia, with highways such

as the Old World was centuries in building. So long as the roads were left to local government, the means of communication lagged far behind everything else. A century ago one spent a week in going from New York to Boston by stage. American roads were execrated by every visiting European. No inland arteries of commerce came into existence until the states, and even the nation, built highways to connect interior with seaboard. Then came a furor over canal-cutting, and by 1825 the Erie Canal linked the Great Lakes with the Hudson River.

As the people spread west of the Alleghany Mountains, leaving behind the sea and the coastal rivers, they came to be more dependent on land-carriage. It is only the steam railway that makes the Mississippi Valley the great hearth of the American nation. Without it we might have now but a third of our present population and a fifth of our present wealth. Unlike the steamboat, invented in 1807 by an American, the railway was an English invention, but no people has used it so lavishly as the Americans. About 1900, when its railway net was fairly complete, the country had two fifths of the railway mileage of the globe. What

the sea means to the British Empire the railways mean to the United States.

All these iron-ways were provided by private companies from commercial motives. Indeed, during the period 1830–1890 the state almost forgot its proverbial duty to create means of communication. The "good-roads" movement, which has achieved wonders, started only thirty years ago. At first no one foresaw what fortunes would be made in providing transportation, and great inducements were necessary to coax sufficient capital into railway-building. So much did local prosperity wait on the iron horse that for a generation communities vied with one another in tempting railway promoters. The states, and finally the nation itself, offered princely grants of wild land in aid of railroad-building and at that time little was said as to the terms on which the companies should serve the public.

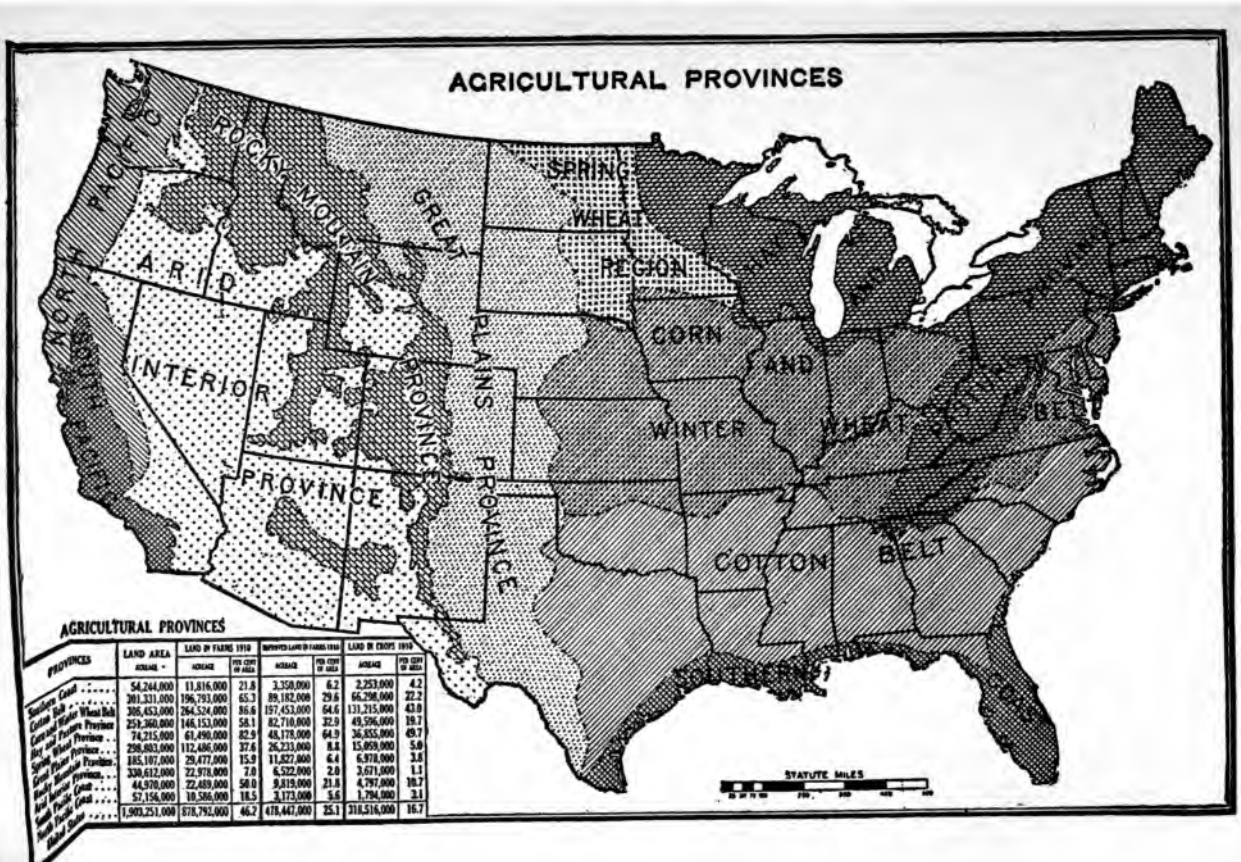
In the period 1850–1873 railroads were built as never before, but the people's eagerness coupled with the let-alone policy of the state with respect to the management of the companies resulted in great abuses. Share capital was issued far in excess of the money actually put into the roads. Generally it was money

from the sale of bonds that built the road. The stocks were mostly "water," that is, represented nothing paid in. Yet, since the stockholders have the voting power, the control of the roads was not in the hands of those who furnished the capital. Arrogant "railroad kings" embroiled their roads in ruinous rate "wars." The sum total which the carrying companies charged the public for their services was not exorbitant, but their arbitrary treatment of businesses and communities made mock of the democratic principle, "a fair field and no favors." In the words of Charles Francis Adams, himself a railway president, the managers had "got it into their heads that they were not bound to furnish equal facilities to all, and, indeed, that it was in the last degree absurd and unreasonable to expect them to do so."

The movement to make the railroads servants rather than masters of the nation's commerce began about forty-five years ago among the farmers of the Middle West, whose produce had to be carried a long way to market. The East, where the farmers were near to their market and where investors in railway securities had much influence, was much slower to undertake the policy of regulation. At first the

western states limited railway charges by law. After this method proved unsatisfactory state boards, known as "railroad commissions," were created to impose a flexible continuous regulation. In 1887 a national board, the Interstate Commerce Commission, was set up in Washington to look after the charges on the traffic between the states. Only within the last decade has public regulation become an unescapable condition, so that the railways are no longer at liberty to foster monopolies and "trusts" by their favors to big shippers and to concerns in which railway financiers and managers are interested.

Everything connected with American transportation—locomotives, cars, trains, terminals, volume of traffic, length of haul—is titanic. The carriage of goods is therefore cheaper here than anywhere else in the world save British India. Mountains of freight are moved at an average cost of less than half a cent a ton-mile. For the more valuable goods distance has ceased to matter so far as the American market is concerned, while for the bulkier wares it is of dwindling significance. As a result, the production of each thing is gradually concentrating in just that part of the country which is best



AGRICULTURAL PROVINCES

PROVINCES	LAND AREA ACREAGE *	LAND IN FARMS 1910 ACREAGE	LAND IN FARMS 1910 PER CENT OF AREA	IMPROVED LAND IN FARMS 1910 ACREAGE	IMPROVED LAND IN FARMS 1910 PER CENT OF AREA	LAND IN CROPS 1910 ACREAGE	LAND IN CROPS 1910 PER CENT OF AREA
Northern Coast	54,264,000	11,816,000	21.8	3,358,000	6.2	2,253,000	4.2
Cotton Belt	201,331,000	196,793,000	65.3	89,182,000	29.6	66,298,000	22.2
Corn and Winter Wheat Belt	308,653,000	264,524,000	86.6	197,453,000	64.6	131,215,000	43.0
Great Plains Province	259,360,000	146,153,000	58.1	82,710,000	32.9	49,596,000	19.7
Arid Interior Province	74,215,000	61,490,000	82.9	48,178,000	64.9	36,855,000	49.7
Spring Wheat Province	298,883,000	112,486,000	37.6	26,233,000	8.8	15,059,000	5.0
Great Plateaus Province	185,107,000	29,477,000	15.9	11,827,000	6.4	6,978,000	3.8
Rocky Mountain Province	330,612,000	22,978,000	7.0	6,522,000	2.0	3,671,000	1.1
Pacific Coast	44,970,000	22,489,000	50.0	9,819,000	21.8	4,797,000	10.7
Northern Coast	57,156,000	10,586,000	18.5	3,173,000	5.6	1,794,000	3.1
United States	1,903,251,000	878,792,000	46.2	478,447,000	25.1	318,516,000	16.7

suited to it. Agriculture specializes into a "corn belt," a "cotton belt," a "winter-wheat belt," a "spring-wheat belt," and year by year the outline of these areas becomes more clear and definite. Light stuff, like fruit and dairy products, more and more comes only from regions where climate and soil are just right. Thus half the cheese goes out from southern Wisconsin, oranges spread everywhere from two districts— southern California and Florida —grapes radiate from the vicinity of Lake Erie or from California, table apples from New York or from the valleys of the Pacific Northwest. Even the raising of strawberries, melons, peaches, celery, and such like for the market is concentrating in a few specially favored spots.

The swelling traffic that ignores state boundaries and knits all parts of the land into economic interdependence makes the people feel themselves a nation. No calamity can befall the salmon-canners on the Columbia River, the oystermen of Chesapeake Bay, the peach-growers of the Ozark Mountains, the cane-planters of Louisiana, the beet-root cultivators of the Middle West, the millers of Minneapolis, the meat-packers of Chicago, the hard-coal

miners of eastern Pennsylvania, the cotton-spinners of New England or the furniture-makers of Michigan without finally hurting nearly every family in the United States. Thus in spite of its bigness, in spite of its embracing so immense a variety of soil and climate, the country is being made by the railroads into a single economic system. Matters which it was intended that the states individually should look after have to be attended to by the national government and the people are coming to be unified almost as the people in small countries like England and France are unified.

Regional specialization puts an end to that sameness of type which the European traveler in America used to complain of. In fact, a great variety of strongly marked local types has come into existence. The orange-growers about Los Angeles doubtless include more retired clergymen and professors than any horticultural group in the world. The breeders of fine horses in the Blue-Grass Region of Kentucky are famed for geniality and open-handedness. The compact settlements of melon-growers in the irrigated valleys of Colorado show nothing of the proverbial individualism of the American farmer. Problems of marketing have made the

apple-growers of the Pacific Northwest shrewd and well-organized business men. The Kansas grain-farmer has little in common with the unspecialized farmer of Vermont. The lumberjacks of the fir forests about Puget Sound are very different men from those who labor in the pine woods of Maine or gather turpentine in the forests of North Carolina. The cattle ranches of the grazing West yield the most romantic American figure since the Indian-fighter, viz., the cow-boy. But while the cheap carriage of products thus gives birth to local types, the cheap carriage of national newspapers, magazines, and film reels, of "stump speakers," lecturers, and theatrical troupes, unites them all with a cement of common impressions and ideas.

CHAPTER III

MARRIAGE AND THE FAMILY

SO much is said about self-supporting women and the postponement of marriage that to most people it comes as a pleasant surprise to learn that Americans are, in fact, one of the most married peoples on the face of the earth. More of them are yoked together than in any European country west of Hungary. Only the Magyars and the Slavs take more heartily to matrimony. Of our whites of native parentage, only one woman in twelve and one man in eleven reaches middle age without having taken a spouse. The negroes and the foreign-born are slightly more matrimonial, the natives of foreign parentage less so.

So far as our own recent national experience goes, there is nothing to show that the richness of interest in modern life dulls the charm of sex. In 1890 out of a thousand American men, 417 were single; in 1910 only 387. In 1890 out of a thousand American women 318 were single;

in 1910 only 297. Contrary to the general impression, marriage now occurs earlier than it did a generation ago. Every census since, in 1890, we began to inquire into conjugal conditions reveals more people wedded before they are twenty years old, more wedded before they are twenty-five. Nor is this fondness for marriage less marked among the native stock than among the foreign stock.

This happy showing is, in part, due to the comparative ease of earning a living here, which enables most people to marry as soon as they are ready to "settle down." Then, social conditions are favorable to marriage. No class of people find it more difficult to achieve a family life of their own than servants, and in the American population servants are by no means so numerous as they are in Europe. For example, there are more professors in the United States than there are butlers; more artists than there are coachmen; nearly as many professional inventors as there are valets; three times as many sculptors as there are footmen; and fifty times as many librarians as there are gamekeepers! In fact, the whole corps of men-servants reported is just about equal in number to that of architects, chemists, and engineers combined.

As for the million women-servants in this country, they are largely young women most of whom will marry in due time. They are, indeed, by no means so generally foredoomed to celibacy as the half-million women school-teachers.

Formerly there were many things to keep the girls busy in the home. They spun, wove, knitted, made garments, quilted, molded candles, made soap, pickled meat, cured bacon, preserved food, baked and brewed. But in the last half-century the product of the machine in the factory has invaded the household and displaced the home-made. More and more, woman's work in the home has come to be cooking, cleaning, and caring for children. As the household has shriveled in economic importance the daughters, in order not to burden their parents, have streamed forth from the home (where often there remains little useful work for them to do) to the mill, the laundry, the restaurant, the telephone exchange, the store, the office and the school-room. At present there cannot be fewer than ten million American women above sixteen years of age earning outside the home, and the proportion so employed grows constantly. Women wage-earners are increasing in number

much faster than men wage-earners and form an ever-larger contingent of the army of industry.

This flood-tide out from the shelter of the home into paid work by no means indicates that the average American wife is quitting the hearth for the sake of a job. The feeling that a woman with a husband ought not to go out to work is still rather general, save among the poor. Probably not one wife in fifteen earns money outside her home. Broadly speaking, it is the lone women who are wage-earners, and half of them are under twenty-six years of age. Of the girls sixteen to twenty years of age, two out of five are reported as "gainfully employed."

A generation ago it was often predicted that a taste of the freedom of self-support would turn many a young woman away from matrimony or make her too hard to win. As we have seen, however, marriage occurs earlier and is more popular than ever. Yet the girl's access to the job might have lessened marriage but for certain changes which worked to the advantage of the married woman. While the outlook of the spinster has brightened, the outlook of the wife has brightened more. No longer is

it hers to spin and weave, to bake and brew, to pickle and cure. In perhaps a third of the households—those of the better-off people—aside from the care of the children the woman is coming into the possession of leisure. She is no longer an economic prop to the home. The law puts it upon the husband to maintain the home and his wilful failure to do so generally gives his wife a legal ground for divorce. Every year a man's proposal of marriage comes nearer to being an offer of lifelong support.

It is confessedly the wife's part to bear and rear children, but among the native stock the big family has for a long time been going out of fashion. The first census, in 1790, found among the white population nineteen children under sixteen years of age to ten women. In 1900 the children and women were about equal in number. Putting the matter in a nutshell, the average woman of American descent has about half as many children to look after as her grandmother had. Or consider the proportion of children under five years of age to possible mothers. In 1860 there were 634 children to 1000 such women, while in 1910, in spite of an enormous influx of fecund immigrants from Europe, there were only 454, a fall of 28 per

Change in average size of families: 1790 to 1900

cent. Among the native element the shrinkage in the size of the average family during this period must have been from a third to a half. Birth-control, instead of being, as among European peoples, the practice of a sophisticated social class, shows itself in America in all classs.

Much is lacking in our knowledge of illegitimacy in the United States, but the rate appears to be considerably lower than in most European countries. The usual proportion of illegitimate births to all births is from 3 per cent. to 4 per cent. When the rate exceeds this, it is usually owing to the negroes, many of whom have the most primitive ideas as to sex relation. Thus the city of Washington has an illegitimacy rate of 7.6 per cent., but that of the whites is 2.3 per cent., while that of the colored folk is 19.5 per cent. Likewise, Baltimore's rate of 6.6 per cent., can be analyzed into race rates of 3.1 per cent., and 24.6 per cent. The fact that out of a hundred white children ninety-six or ninety-seven are born in wedlock indicates that our society has attained a fair degree of success in the control of the sex relation.

Although the tide of divorce is rising the world over, nowhere is it so high as in the

United States. Probably one marriage in ten ends in the divorce court. In some states the proportion is one in five. This tendency has been misconstrued as a sign that the home is less sacred to Americans than to certain other peoples. The fact is that two thirds of the divorces are granted to aggrieved wives and the reason why American wives will not put up with the drunkenness, cruelty, or unfaithfulness in their husbands that the women of other countries put up with, and that their grandmothers bore in silence, is that they respect themselves more, have a higher ideal of what a union should be, and know that once they are divorced they can support themselves by their labor.

The laws of the states allow divorce only on serious grounds, and for a long time now there has been no drift toward greater laxity. Nor are there signs that our people are abandoning the hallowed ideal of marriage as a lifelong union. Rare is the couple that takes the vows of wedlock with any other desire or expectation than a union till death. Women's colleges will point with pride to a roll of several hundred graduates no one of whom has ever been a party to a divorce proceeding.

Among intelligent people divorce is looked

upon as reflecting upon one's judgment at least, if not upon one's character. If, then, there is a greater tendency to seek divorce, it is not so much that wedded couples care less for the home as that they care less for the mockery of it. There has never been a people with a higher ideal of home or with more faith in love than ours. The cautious provision of relief for the mismated has made matrimony more popular, because marriage does not present itself as a trap from which you can never release yourself once the door has snapped to. Indeed, the oft-noted purity of the American home and the general faithfulness of both spouses to their vow may owe something to the opportunity of the unhappy to secure relief on a legal basis instead of in following secret amorous intrigue.

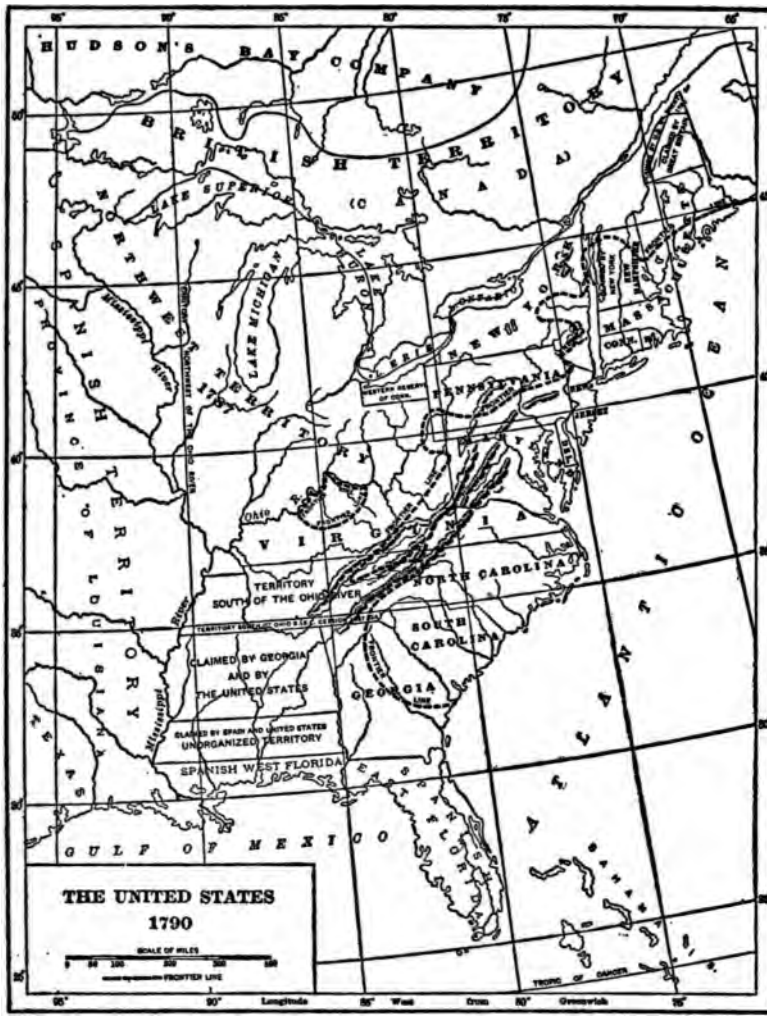
CHAPTER IV

GOVERNMENT

THE United States is the oldest of all of the federal governments in the world. Its Constitution, drawn up in 1787, is perhaps the most venerable political charter now in force. In its century and a third of life the American union has come to rule over five times its original area, inhabited by thirty times as many people, and it joins in harmony forty-eight states instead of thirteen. With the exception of the four years' war between North and South (1861–65) growing out of the question of negro slavery, the peace has been kept. If Kansas is aggrieved with Colorado over the latter's diversion of the upper waters of the Arkansas River for irrigation; if Missouri contends that Illinois's methods of disposing of Chicago sewage pollute the water of the Mississippi which flows at her door, the states do not arm and threaten one another as they might do were they independent. Their dispute is quietly

settled by a lawsuit in the Supreme Court of the United States.

No one doubts that the American Union stands to-day firmer than ever. It was an experiment when it was set up over the original thirteen proud and jealous colony-states; but now it is older than three quarters of the states. The national idea has struck root deep in the soul of the people. The nation, which sometimes calls upon the citizen to shed his blood for it, is more loved than the state, which requires nothing more tragic than jury duty or the payment of taxes. To be sure, differences arise—between North and South over the treatment of the negroes; between the Pacific Coast and the rest of the country over Oriental immigration; between lending East and borrowing West over the money standard—but nobody lies awake at night because of them, and not an extra musket is ordered. One side convinces the other, or they compromise, or else something happens to ease the tension. The storm may be brewing that will uproot this venerable and majestic oak, but no one knows in what quarter to look for it. So far as we can see, the Union will outlive all its present citizens.


HUDSON'S BAY COMPANY
BRITISH TERRITORY
(CANADA)
LAKE SUPERIOR
NORTHWEST TERRITORY
1787
LAKE MICHIGAN
LAKE HURON
ERIE
NEW YORK
PENNSYLVANIA
MASSACHUSETTS
CONN.
NEW JERSEY
DEL.
MARYLAND
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
TERRITORY SOUTH OF THE OHIO RIVER
CLAIMED BY GEORGIA AND BY THE UNITED STATES
CLAIMED BY SPAIN AND UNITED STATES
UNORGANIZED TERRITORY
SPANISH WEST FLORIDA
SPANISH EAST FLORIDA
SPANISH TERRITORY
PROVINCE OF LOUISIANA
TEXAS
GULF OF MEXICO
ATLANTIC OCEAN
BAHAMA IS.
TROPIC OF CANCER
Mississippi River
Ohio R.
THE UNITED STATES
1790
SCALE OF MILES
FRONTIER LINE
Longitude West from Greenwich

The American political system, like a huge spinning gyroscope, refuses to be pushed from its plane of rotation. When in 1898 the United States unexpectedly found itself possessed of Cuba, Porto Rico, and the Philippine Islands—fruits of its victory over Spain—many prophesied for the country a career of empire. But Cuba was set free under protection; the Philippines will receive like treatment as soon as they appear to be ready for it; and Porto Rico is governed just as territories have been governed for a hundred and thirty years.

We are warned that the system is getting out of plumb; that continually Washington grows at the expense of the individual states; that in the end the state will be a mere province. It is true, of course, that the national government is doing now many things which were, or might be, done by state government. In our time we have seen it take up banking, bankruptcy, the care of savings, rural credits, the liquor traffic, national elections, child labor, railroads, telegraphs, and "trusts." But while the state government is indeed losing certain powers and functions to Washington, new powers and functions are devolving upon it. It is annexing to its field the guardianship of

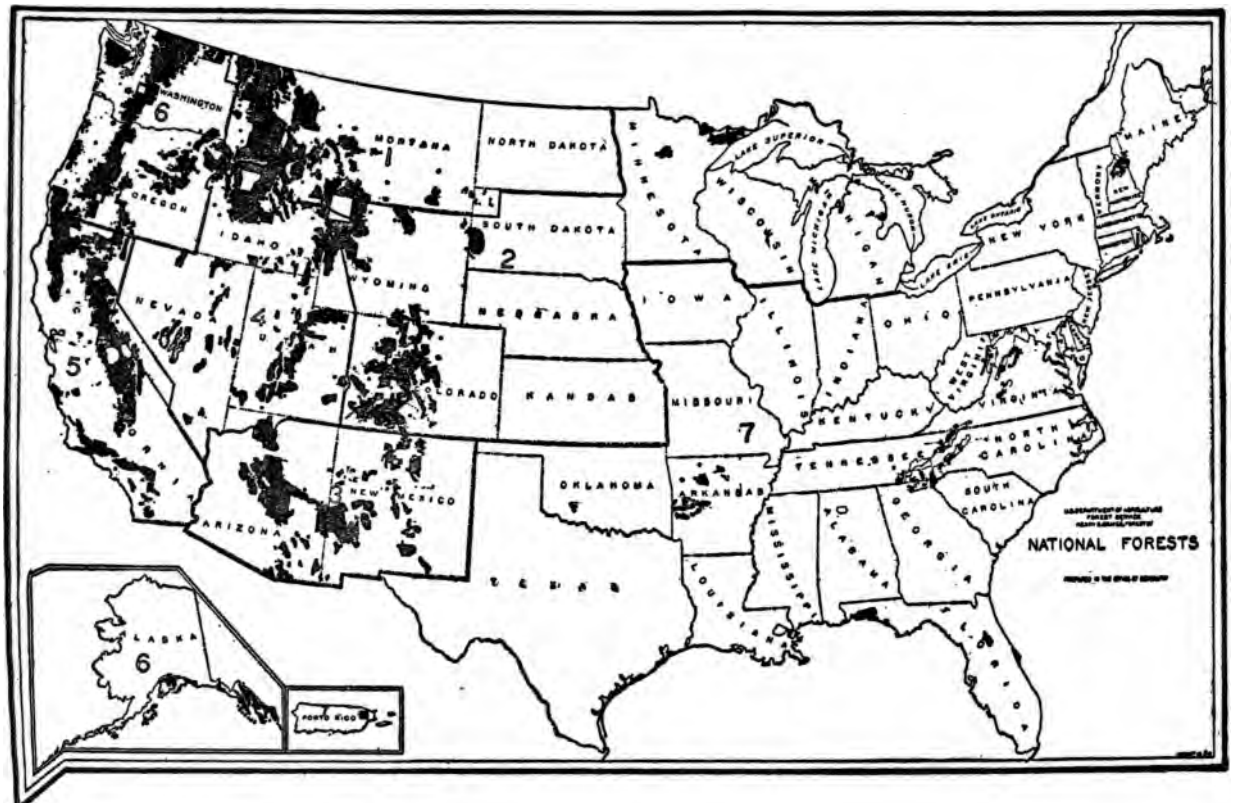
the public health; the care of the defective and the insane; the regulation of public-utility companies; the supervision of insurance companies and state banks; the building of trunk highways; the maintenance of state forests and parks; the conservation of fish and game; the inspection of weights and measures; the testing of foods and drugs; the settlement of wild lands, and the providing for every form of higher education. No doubt Washington looks after many matters—foreign affairs, army and navy, quarantine, foreign trade, patents, currency, banking, navigation, fisheries, immigration, shipping, the public lands, the national forests, agricultural experiment stations, the postal system, the railroads, and interstate commerce. But so long as the state has sole charge of the laws and institutions pertaining to the family, property, inheritance, business, labor, poor relief, crime, vice, education, and municipalities, the state legislature will have its hands full.

The federal government is erected upon the people, not upon the states. It is like a great Hindoo temple built about and above various shrines but in no wise resting on them. Since it is in the very nature of governments to absorb power, one may wonder that Washington

DOMINION OF CANADA
PACIFIC OCEAN
ATLANTIC OCEAN
WASHINGTON
OREGON TERRITORY
OREGON
AMERICAN TITLE ESTABLISHED IN 1846
IDAHO
MONTANA
N. DAKOTA
S. DAKOTA
WYOMING
NEBRASKA
NEVADA
UTAH
COLORADO
KANSAS
OKLAHOMA
ARIZONA
NEW MEXICO
TEXAS
MINNESOTA
IOWA
MISSOURI
ARKANSAS
LOUISIANA
WISCONSIN
ILLINOIS
MICHIGAN
INDIANA
OHIO
KENTUCKY
TENNESSEE
MISSISSIPPI
ALABAMA
GEORGIA
S. CAROLINA
N. CAROLINA
VIRGINIA
W. VIRGINIA
PENNSYLVANIA
NEW YORK
MAINE
VERMONT
N. HAMP.
MASS.
CONN.
R.I.
N.J.
MD.
DEL.
LOUISIANA PURCHASE FROM FRANCE 1803
CEDED BY MEXICO 1848
TEXAS ANNEXED IN 1845
GADSDEN PURCHASE 1853
TERRITORY OF THE ORIGINAL THIRTEEN STATES
FLORIDA CEDED BY SPAIN 1819
★ In Dispute with Spain 1803 1819
Gadsden Purchase 1853
Louisiana Purchase from France 1803
Texas Annexed in 1845
Oregon Territory, American Title Established in 1846
Ceded by Spain in 1819
Territory of the Original Thirteen States
Ceded by Mexico 1848

has not filched jurisdiction from the states. Why does not Congress make the state legislatures dance to its piping? The answer is the Supreme Court of the United States, a tribunal of nine life-judges removable only on impeachment. Although the judges are appointed by the President with the approval of the Senate, this court stands aloof from politics and is not a part of the current administration. Having the last word as to the interpretation of the Constitution, it cries "Halt!" to the federal government or to the state government when it judges that either is encroaching on the appointed sphere of the other. It is like the policeman at the congested street crossing, who throws up his hand, now to check vehicles while the north-south traffic flows by, now to interrupt the flow in order to let the east-west traffic pass.

To keep the ship of state on an even keel is no light task. In its long life the Supreme Court has had to deal with developments quite unforeseen by the authors of the Constitution. The states have been drawn together by rails and telegraph wire. The output of field and factory goes everywhere. Industry and trade are hardly aware of state lines. Corporations employ five sixths of the labor in the mills and


NATIONAL FORESTS
WASHINGTON
OREGON
IDAHO
MONTANA
NORTH DAKOTA
SOUTH DAKOTA
WYOMING
NEBRASKA
NEVADA
COLORADO
KANSAS
UTAH
CALIFORNIA
ARIZONA
NEW MEXICO
OKLAHOMA
TEXAS
MINNESOTA
IOWA
MISSOURI
ARKANSAS
LOUISIANA
WISCONSIN
ILLINOIS
MICHIGAN
INDIANA
OHIO
KENTUCKY
TENNESSEE
MISSISSIPPI
ALABAMA
GEORGIA
FLORIDA
SOUTH CAROLINA
NORTH CAROLINA
VIRGINIA
WEST VIRGINIA
PENNSYLVANIA
NEW YORK
MAINE
ALASKA
PUERTO RICO
LAKE SUPERIOR
LAKE MICHIGAN
LAKE HURON
LAKE ERIE
LAKE ONTARIO
1
2
4
5
6
7

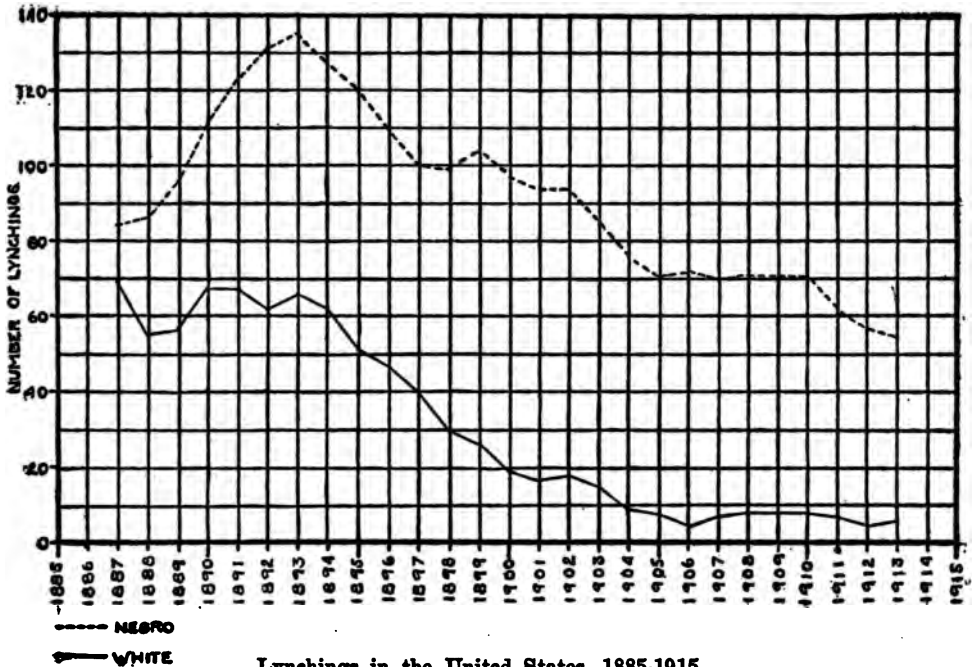
turn out six sevenths of the product. The control of most of these corporations is in the hands of a few financial groups. The market for capital and credit, once local, is now national, even international. The people feel less as Ohioans or Texans and more as Americans. Yet in this mill-race of change the Supreme Court has not failed to keep a reasonable balance between state and nation. The equipoise contemplated by the Constitution, although disturbed, has never been lost. Perhaps there are more of our people who think centralization has not gone far enough than there are who think that it has gone too far.

It is not easy to adapt the Constitution to changing needs. An amendment must be proposed by two thirds and adopted by three fourths. Would it not be better if an amendment might be proposed by a majority and adopted by two thirds? Nevertheless, the Constitution is not so rigid as we feared, for it has been amended three times in the last six years. Then, too, once a good reform has been nailed down in the Constitution, we know it is there to stay and we pass on to the next thing. If it were easier to get a reform in, it would be easier to get it out, so that we should be kept in a

constant turmoil over matters we now dismiss as settled.

The American political system leaves much responsibility to the people of each locality. The laws of the state are carried out not by *state* officers but by *county* judges, prosecutors, and sheriffs. No other country in the world leaves so much latitude to locally chosen officers. This hinges the enforcement of certain state laws largely upon local opinion. The county prosecutor does or does not proceed against law-breaking liquor-sellers or gamblers according as his political supporters are for or against liquor-selling or gambling. In most states the governor can do nothing about the non-enforcement of law in a county or a city until the situation is bad enough to justify him in sending in the state militia. Only a few states have a police of their own.

The fact is that in the administration of justice the American people are very tenacious of their local control. They do not want their agencies of government to work in the relentless manner which characterizes autocracy. Their law-enforcing machinery visibly slows down when it ceases to be urged by public sentiment. The "dead-letter" laws on the statute-book



Lynchings in the United States, 1885-1915

(The curve represents a 5-year moving average)

prove how slight is its automatic action. On the other hand, in thirty years thirty-seven hundred persons have been lynched, though, to be sure, in the last fifteen years the rate is but a third of what it used to be. The people, seeing so many large matters like commerce and business slipping inevitably from their immediate control, seem more than ever determined that the organs of justice, at least, shall obey their will.

The development of facilities for forming and focusing opinion makes public opinion the mentor and master of the man in public place. The fact that an official has three or four years to serve before he steps down among his fellow citizens does not lead him to imagine that he may use his power just as he pleases. Public opinion is ever at his elbow and in America rare indeed is the office-holder who dreams of pitting his puny strength against it. He may in the end carry out merely the will of his party or his class, but, if he does so, he does it by duping the public, not by defying it.

More and more, public opinion rules government, rules even the elections which shape government. The telegraph has made the country one vast whispering-gallery. The fast trains

lay down the newspapers of the great cities six or eight hundred miles away before they are a day old. Certain weekly papers are read all the way from Maine to California, from mule-driver to magnate. Still more national in influence are the monthly magazines, which are published in New York or Boston, to be sure, but which, so far as local bias goes, might as well be edited on Pike's Peak. Besides these, the country is netted with numerous wide lecture-circuits and Chautauqua circuits, which give to a thinker who can talk well a wonderful chance to spread his ideas.

The newspapers reflect opinion rather than mold it. In recent years they have lost prestige because many of their readers suspect them of being under the thumb of their advertisers. The "commercialization of the press" is a phrase that has sunk deep. Then, too, the newspaper is frequently a great earning property owned by some rich man instead of by the editor. Hence, the ultimate sources of public opinion are not the newspapers but the weekly and monthly periodicals, the utterances of outstanding persons (such as Dr. Charles W. Eliot, Ex-President Taft, Mr. Gompers, and Miss Jane Addams), the deliverances of influential

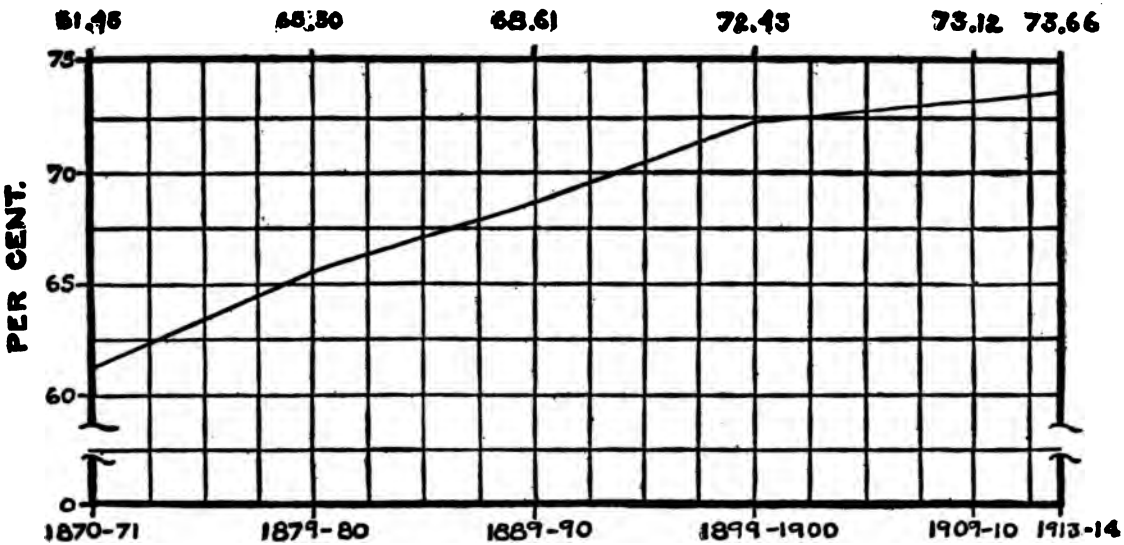
groups like the bar associations, the bankers, or the scientific bodies, the pronouncements of the pulpit, the attitude of the universities, and the opinions of serious writers, whose books are brought within reach of a wide public by means of the thousands of public libraries.

CHAPTER V

EDUCATION

CONSIDERING that about twenty-five millions of young people, three quarters of all who are between five and eighteen years of age and not far from a quarter of the entire population, are enrolled in school, one must pronounce education to be the greatest single spiritual enterprise in America. In nearly all parts of the Union the child's schooling is sure, even though the parent be ignorant or greedy. The teachers of America—three quarters of a million in number—are twice as numerous as all who devote themselves to religion, charity, law, art, or literature. The yearly outlay on education is not far short of a billion dollars, while the gifts and bequests to education in the last twenty years aggregate five hundred millions.

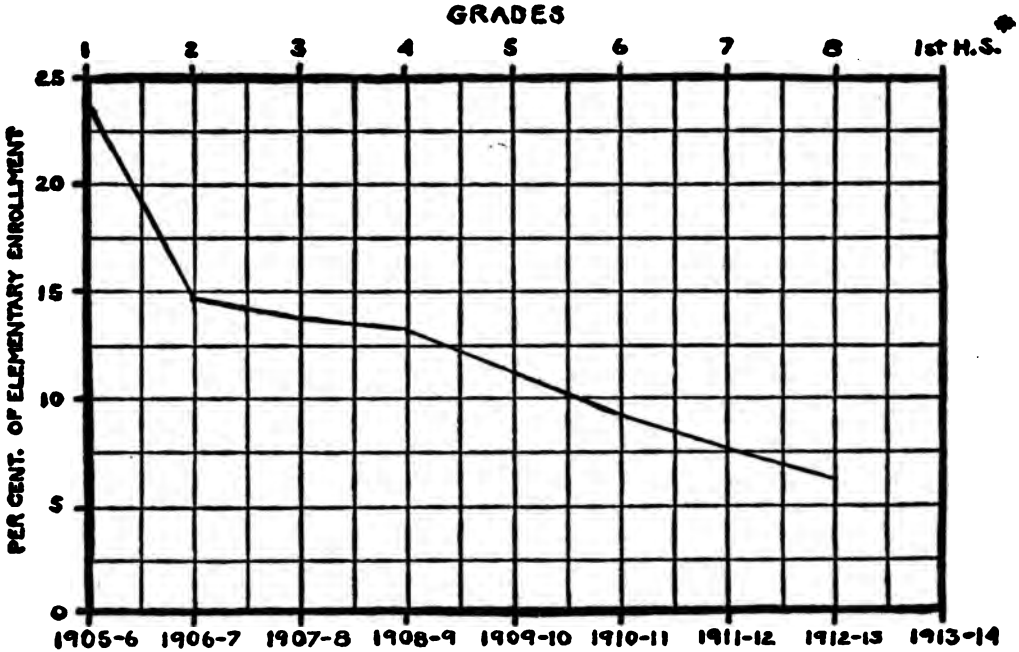
Nevertheless, there is no national system, save, perhaps, for vocational education. The matter is left to the individual states, and some of the states leave it pretty much to the local



Percentage of children of school age enrolled in school

authorities. This results in a great unevenness in school opportunities, some commonwealths being ten times as liberal in providing for their children as other commonwealths. The more it is left to parents to determine how much shall be spent on education, the more surely ignorance perpetuates itself. The only states which have reason to take pride in the intelligence of their young people are those which have gone pretty far in the direction of centralization.

In the South it has been difficult to get on with education, owing to the large element of backward negroes, who care little or nothing for schools, and to the impoverishment of that section by the Civil War. Nowhere, however, has the cause of education lately inspired more enthusiasm or made greater progress than in some of the Southern States. In other parts of the country education is held back by the presence of great numbers of non-English-speaking immigrants, many of whom do not appreciate how much good schools can do to provide their children with opportunities. Although many American commonwealths attain a high uniform level of education for their children, the indications are that a tenth of those above ten years



*ABOUT 28 PER CENT. OF THE NUMBER OF BEGINNERS IN FIRST GRADE.

Progress of elementary grade enrollment for eight years

of age cannot read and write English. Two fifths of the illiterates are negroes, and of the white illiterates more than half are foreign-born. The examination of the draft registrants for the army showed that there is twice as much illiteracy as the figures of the 1910 census had revealed. The state of things disclosed is so shocking that we may soon see an endeavor to bring the backward states up to a national standard by means of federal grants in aid of public education.

Of late the American public has come to be concerned with other services for children than teaching. The ignorance and apathy of many parents has obliged the school to assume almost a paternal care over its charges. The school-children are examined by physicians and dentists, who call the attention of parents to conditions needing treatment. School nurses are provided. Free text-books are furnished and, in some cases, free hot lunches. As regards provision for recreation, it has grown altogether too big for the school. In twenty years a giant playground movement has brought into being in our towns and cities four thousand supervised playgrounds looked after by eight or nine thousand professional play-leaders and supervisors.

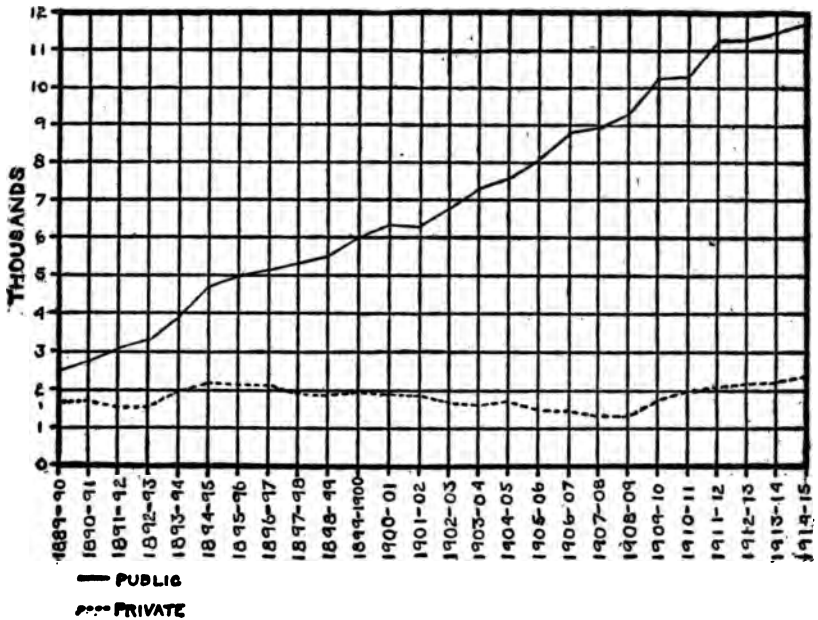
In every country the national education has the outline of a lofty mountain, broad at the base and tapering upward into a peak. Now, the peculiarity of American education is not *breadth of base,* for there are countries which are more successful than the United States in getting their children into the public elementary schools. It is not *height of peak,* for American universities stand no higher than those of certain other countries. But it is *breadth of education in its middle range*—say from the seventh year of instruction to the twelfth—for nowhere else do so large a proportion of the children receive secondary instruction as in America.

Not always has it been so. A generation ago in most parts of the country free education consisted of the teaching of reading, writing, and arithmetic, together with a little history and geography. Now, however, it is indeed a small and poor place that does not provide a free "high school." In thousands of American communities, the finest building you see is the home of the high school. It has come to be taken for granted that twelve years are required—that is, until the eighteenth year of age—to give an individual a proper education. In

this matter the public heart has dilated fifty per cent. in half a century.

These public high schools, which were formerly little more than gangways to college, are now attended by multitudes of young people who have not the slightest prospect of pushing on to a higher education. Perhaps not one in eight who completes the high school will ever win a college degree. This means that these schools are becoming the universities of the people, in which the son or the daughter of the motorman or the mechanic may gain preparation for some well-paid calling and a rather broad outlook on the world.

The enthusiasm of Americans for bringing this grade of education within the reach of young people in their homes may be gaged by the fact that the number of public high schools is now *twelve thousand*—three hundred times as many as there were fifty years ago and five times as many as there were thirty years ago. Or consider how the boys and girls hasten to avail themselves of these opportunities. Between 1889 and 1896 the pupils in our public high schools doubled in number. They doubled again between 1896 and 1908, and have *doubled again* in the last ten years.



Comparative growth in number of private and public high schools

Before the public came into this field, middle or "secondary" education was provided by private high schools which charged tuition fees. But nowadays the pupils in these schools, although they increase slowly in number, are coming to be but a small division of a great army. While thirty years ago they constituted well nigh a third of all those in high schools, they are now only a little more than a tenth.

The chief aim of the "free-high-school" movement has been not so much national efficiency as social democracy. Thoughtful Americans realize that, so far as possible, all should have an even chance to show what they can do in the race of life. Hence, society should adopt the policy of equalizing opportunities. We do not yet see just how to correct the inequalities arising from the inheritance of property, business, or family influence. At any rate, however, a system of public education which is free clear to the top will do much to open doors to the poor man's children. So, at least, it is working out in America. Probably nowhere else does the bright boy of the day-laborer face such a prospect of rising. Nowhere else does the clever son of the farmer or the machinist have so good a chance of getting into a profession.

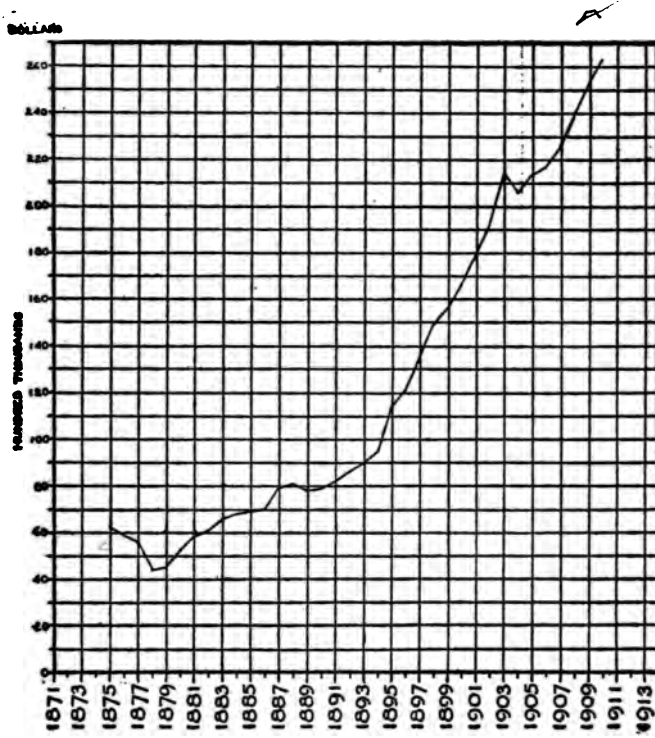
To be sure, the cost of instruction is but a part of the cost of education, for the pupil has to have food and clothes while he is in school. The power of the children of the poor to contend for the prizes of life on equal terms with the children of the well-to-do is limited by the inability of the parents of the former to keep them in school. It is true that friendly hands are many and the bright youth who reaches college will be helped through. Still, only one in nine of those who enter the schools finishes the high school and but one in seventy graduates from college. It is likely that more pupils drop out of school from lack of means than from lack of ability. If we are resolved to equalize educational opportunities, we should see that no capable child has to break off its education on account of poverty. To realize this ideal we may have to spend twice as much on education as we do now.

University extension is another stroke on behalf of democracy. The university which the American state maintains is not content with teaching a few thousand students in its halls. What of the tens of thousands kept away by the stern necessity of earning their living? So by means of correspondence courses of study

and itinerant lecturers the university campus is made as wide as the state itself. One state university, which has three times as many students out of sight of its dome as there are within sight of it, has sent missionaries through the shops and factories and organized groups of artisans to study under the direction of traveling instructors who teach them on employers' time.

With so many public fountains playing everywhere, who will go thirsty for knowledge? One reason for the cheerful tone of American life is that few early aspirations are utterly thwarted. Where else in the world dares youth so revel in hopes and dreams? Not only do most of our young folks have a try at the prizes of life, but democracy sees to it that, while the big prizes are not so big as they are in the Old World, there are a far greater number of middle-sized prizes. Thanks to free education, nearly every able ambitious youth *gets something,* and has, besides, the respect of himself and others.

Behind the high-school movement lies also the citizenship idea. We are fond of the saying, "The cure for the evils of democracy is more democracy." When too many of the voters are being fooled by the politicians, it never occurs



Gifts and bequests to education

(The curve represents a 9-year moving average)

to us that we ought to turn politics over to the intelligent class. It is agreed by all that the people must be made intelligent. The ward leaders teach the ignorant voter, especially the naturalized immigrant, that a political party exists not to serve the nation but to serve itself; that to be independent in voting is to betray a sacred obligation; that in politics your duty is "to stand by your friends." The good citizens reply with the demand that the schools train youth for citizenship. Within twenty years it has come to be a matter of course that the high-school students should be well grounded in the fundamentals of democracy —majority rule, free speech, the importance of law-enforcement, the place of party, the sacredness of the ballot, the merit system in the civil service and the responsibilities of public office.

The leaders of the people in intellectual matters receive their training in upward of five hundred colleges and universities attended by a quarter of a million youth, a third of them young women. Four out of five of these institutions are on a private basis and are supported by gifts and income from endowments. Gradually, however, the states have been brought to recognize a duty toward higher education.

Of late, thanks to generous state aid, their universities have grown like Jonah's gourd.

The two types of university, endowed and public, in a way supplement each other. Aside from the duty to teach, the former feels its obligation is to learning or science, while the latter is conscious of a special duty toward the people who support it. Moreover, each acts as a check on the other. The scholar would have less freedom in America but for the fact that the able professor who has trouble in the one type of university usually finds asylum in the other. For example, the teacher of political economy whose teachings offend the rich men on the board of trustees of an endowed college may be called to a state university, while the biologist whose utterances on eugenics call forth public clamor may be taken up by some endowed institution which can snap its fingers at popular prejudices. Thanks to this competition, and thanks to a powerful association of university professors which makes the public acquainted with violations of "academic freedom," the American colleges and universities generally enjoy public confidence and are playing an ever-larger part in guiding the social advance.

CHAPTER VI

RURAL AMERICA

THE very appearance of the American country-side proclaims a rural life which is without the stamp of ancient feudalism or conquest, a soil which is innocent of lord or serf. The farmers are not huddled together in villages, for safety's sake, but each lives on his own land. There is no rural gentry. One misses the fine residence, set in a park, which in most parts of Europe houses the gentleman land-owner; one misses, too, the cottages or huts of the farm laborers, which are so characteristic of the Old World. Typical of America is the independent farmer living on his own farm (in two thirds of the cases from 20 to 175 acres in size) and tilling it with the aid of his family. He it is, and not the hired farm laborer, who carries the heavy end of American agriculture. In fact, if all the "hired men" of the country were divided equally among the farms, there

would be less than two thirds of a man to a farm! The common practice is for a farmer to hire a man to help him, often a neighbor's son, during the growing-season and one or more men additional during harvest. Here, then, in the open country, is the very citadel of our democracy—a working population accustomed neither to take orders nor to give them.

Not manor-house nor cottage but the *farm home*—with more or less comfort and beauty, according to the age, skill, and thrift of the owner—is the thing that strikes you in the country-side. In the more favored districts, a generation or two after the first settlement, the frequency of pleasant homes set back of a grassy plot and flanked by shade-trees, garden, and orchard, suggests that most of the wealth drawn from the soil remains in the hands of its cultivator. To be sure, agricultural America, which comprises two fifths of the people, has scarcely a third of the wealth. But in going about one does not receive the impression, as one does in Russia for example, that the country has been bled in order to fatten the town. Save in certain spots where the plague of absentee-landlordism has taken hold, resulting in a population of tenants rather than farm-owners, the

American country has of late gained steadily in comfort, attractiveness, and finish.

Fifty years ago, after the virgin West had been pierced by railways, the giving away of government land as "homesteads" tempted too many people into agriculture. Farming was overdone, with the result that produce came near to being a drug on the market. The "homesteaders" lived poor, it is true, but they felt their privations were compensated by the great increase in the value of their homesteads. In the older sections, however, the meagerness of the farmer's money return spread a blight over the rural scene. Especially was this noticeable thirty or forty years ago, after the rapid conquest of the trans-Mississippi prairies by the plow had brought a general sag in the prices of farm produce. The embittered farmers lashed out at the nearest groups—the railways, the grain-buyers, the middlemen, the implement-makers, the bankers—without realizing that the tap-root of their troubles was overproduction rather than extortion.

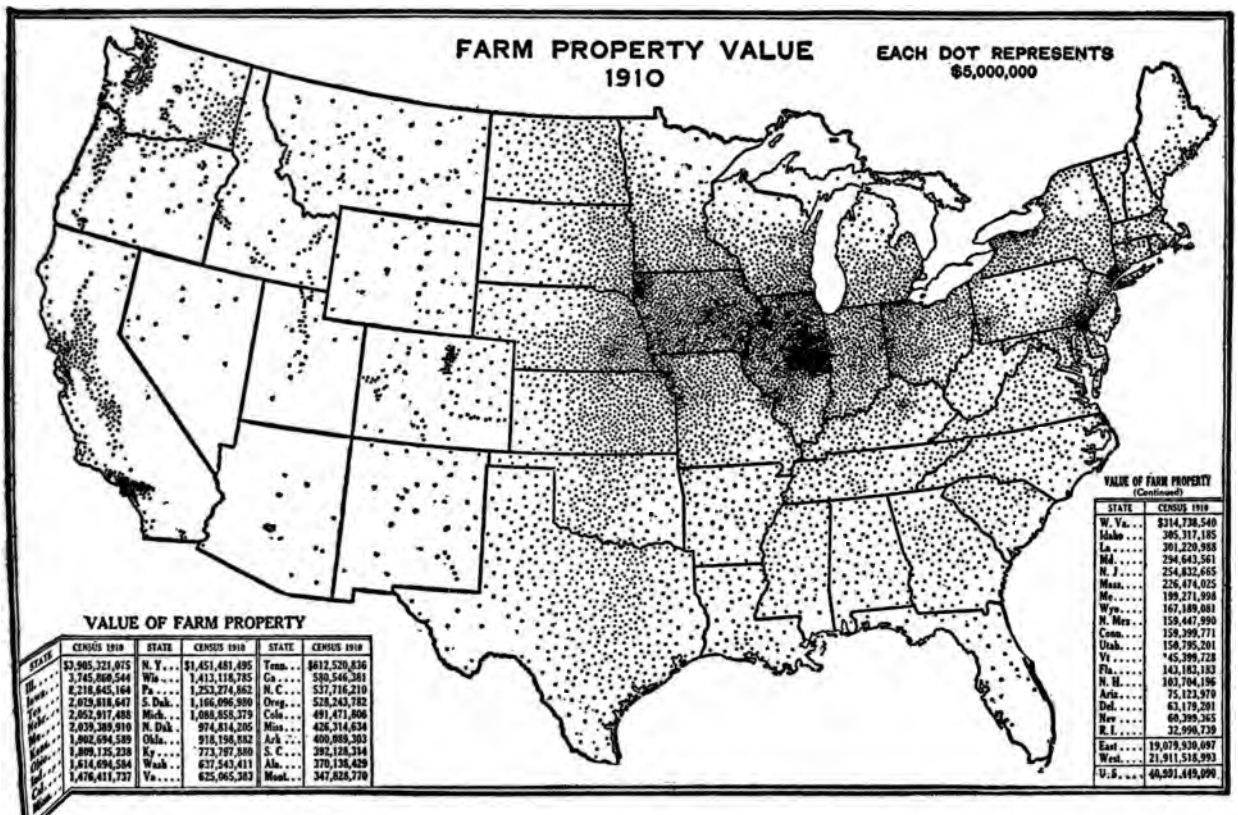
The frontier virtually came to an end twenty-odd years ago and soon after farm produce climbed to prices which made farming profitable. Ere long the townsman began to respect

farming and envy the farmer. The last fifteen years have witnessed a furor over agriculture, a back-to-the-land movement, and an eager study of rural conditions. The problems of the open country are being attacked with as much vigor as city evils were attacked thirty years ago.

While there has been a strong tendency toward the concentration of ownership of timber lands, mineral deposits, mines, and water-power sites, the tide is not running in the direction of large farms. In thirty years the average size of American farms has remained in the neighborhood of one hundred and forty acres, worth now perhaps $10,000 to $12,000. Although agriculture and manufacturing have about the same output of value, the number of farms is six and a half millions as against less than a third of a million factories. Not the big estate but the medium-sized farm which one family can handle has proved to be the best unit for agriculture. The large holdings which prevail in certain of the Western States are due to the low rainfall which makes a larger acreage necessary to support a family. The big farm is not winning as in manufacturing the big concern has won, but, instead, the big farm is being

divided into small family units. So far as we can see, the law for modern industry is not at all the law for modern agriculture.

In the number of rented farms there has been a decided increase for the country as a whole. In 1880 tenant farmers constituted 25.6 per cent. of all farmers; in 1890, 28.4 per cent.; in 1900, 35.3 per cent., while in 1910 tenants constituted 37 per cent. of all farmers and operated 25 per cent. of the land. Tenancy has been increasing among the white farmers of the South and in the grain-growing region of the Northwest; it has been decreasing in the older agricultural regions of the East and in the Rocky Mountain and Pacific states. In the South, where tenancy has largely taken the place of the old slave-plantation system, it prevails because many negroes have gained the ability to handle a small farm under direction, but are not yet "up to" independent ownership. In several other regions tenancy has been stimulated by the great increase in the money return from farming since the stock of good public land ran out. A farm which twenty years ago could support but one family will now support two—that of the owner who has retired to the neighboring village and that of the tenant.



VALUE OF FARM PROPERTY

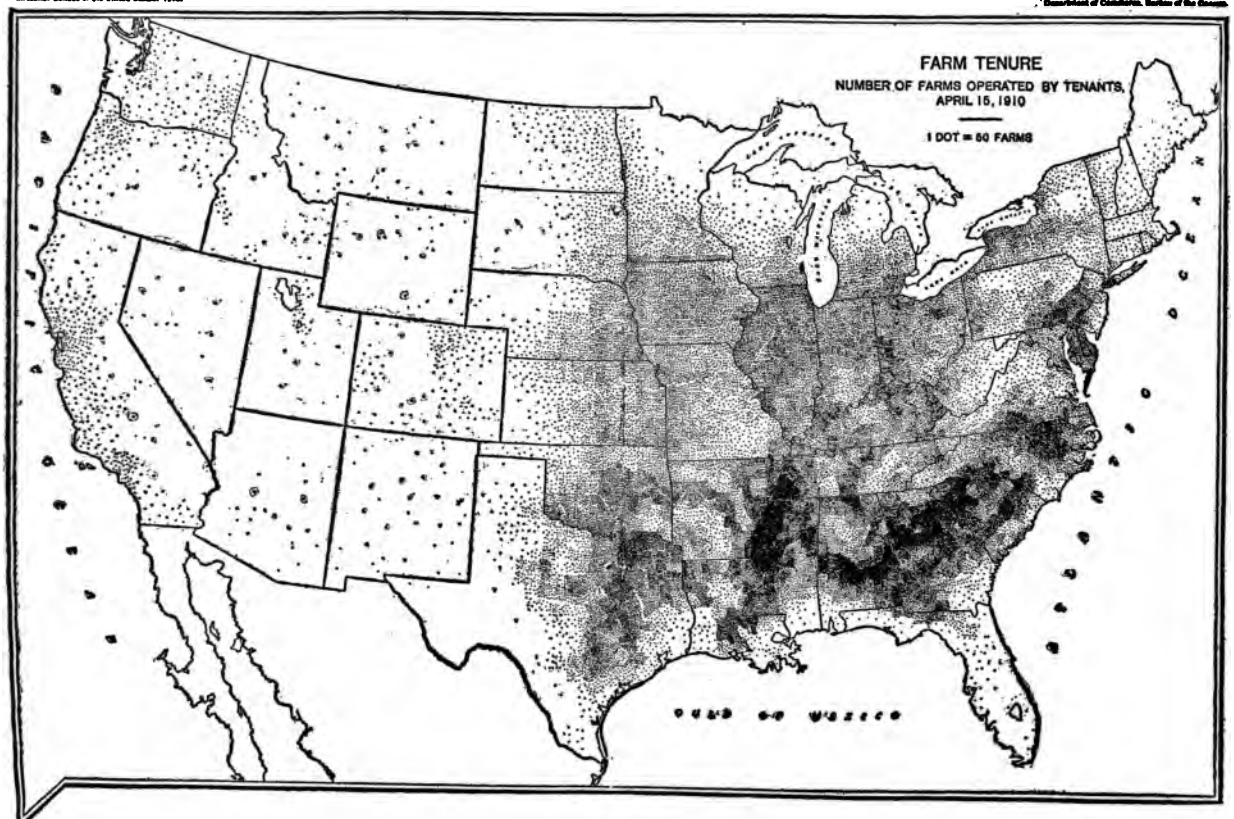
STATE	CENSUS 1910	STATE	CENSUS 1910	STATE	CENSUS 1910
Ill.	$3,905,321,075	N. Y.	$1,451,481,495	Tenn.	$612,520,836
Iowa	3,745,860,544	Wis.	1,413,118,785	Ga.	580,546,381
Tex.	2,218,645,164	Pa.	1,253,274,662	N. C.	537,716,210
Nebr.	2,079,818,647	S. Dak.	1,166,096,980	Oreg.	528,243,782
Mo.	2,052,917,488	Mich.	1,088,858,379	Colo.	491,471,806
Kans.	2,039,389,910	N. Dak.	974,814,205	Miss.	426,314,634
Minn.	1,902,694,589	Okla.	918,198,882	Ark.	400,889,303
Ohio	1,809,125,238	Ky.	773,797,880	S. C.	392,128,314
Ind.	1,614,694,584	Wash.	637,543,411	Ala.	370,135,429
Cal.	1,476,411,737	Va.	625,065,383	Mont.	347,828,770

VALUE OF FARM PROPERTY
(Continued)

STATE	CENSUS 1910
W. Va.	$314,738,540
Idaho	305,317,185
La.	301,220,988
Md.	294,643,561
N. J.	254,832,665
Mass.	226,474,025
Me.	199,271,998
Wyo.	167,189,081
N. Mex.	159,447,990
Conn.	159,399,771
Utah	158,795,201
Vt.	145,399,728
Fla.	143,183,183
N. H.	103,704,196
Ariz.	75,123,970
Del.	63,179,201
Nev.	60,399,365
R. I.	32,990,739
East	19,079,930,697
West	21,911,518,993
U. S.	40,991,449,090

Speculation in farm land makes it somewhat more difficult than formerly to acquire a farm. After the open frontier came to an end, it was clear that the existing farm land would in time acquire a scarcity value, so that speculators and farmers soon bid up the prices to an exorbitant figure. In the decade ending in 1910 the farm land of the country was marked up one hundred and eighteen per cent.; but the price of farm products had not increased on an average more than sixty-seven per cent. The tying up of unsettled land in the hands of investors has worked in the same direction.

In Texas and the rest of the South white tenancy shows some very forbidding features. But for the country as a whole it is far from true that two fifths of our tillers of the soil are without hope. Over three fourths of the farmers under twenty-five years of age are tenants, and somewhat over half of those between twenty-five and thirty-five years of age. But among the farmers thirty-five to forty-five years of age only about one third are tenants; among those forty-five to fifty-five about one fourth; among those fifty-five to sixty-five about one fifth; and among those over sixty-five years of age only about one seventh. This means not


FARM TENURE
NUMBER OF FARMS OPERATED BY TENANTS, APRIL 15, 1910
1 DOT = 50 FARMS

that tenants are dying young or quitting the farm, but that they are moving up a ladder. The first rung is labor for hire; the second, tenancy; the third, ownership subject to a mortgage; the fourth and top rung is ownership of an unencumbered farm. Great numbers are climbing this ladder, but the rungs are farther apart than in the days when farm land everywhere was cheap because of that great open grab-bag of farms—the public domain. Now one stays longer on a rung before he can lift himself to the next rung above. So the greater number of tenants means not so much the coming into existence of a large hopeless class as later arrival at the top of the ladder.

A recent study of 2112 farm-owners in the Middle West, made under the direction of Professor W. J. Spillman of the U. S. Department of Agriculture, throws light on this upward movement. Nearly three quarters of them had been hired men, or tenants, or both, before they acquired farms. Of these, setting aside those who came by their farms through inheritance or marriage, about 71 per cent. became owners through purchase. Those who skipped the tenant stage became owners at the average age of twenty-nine years; those who skipped the

hired-man stage became owners at thirty-two years; those who—starting probably with nothing—passed through both stages came to own farms at the average age of thirty-six and a half years.

As the value of farm land goes up, one who starts at the bottom must tarry longer in the lower stages. Those who acquired their farms more than thirty years ago spent on the average 4.9 years as tenants; those who got their farms in the next decade, 7.2 years; those who achieved ownership in the next to the last decade, 9.6 years; and those who did it only within the last decade, 11 years. For these same four groups, the average time spent as hired man was respectively 5.2, 6.1, 7.5, and 7.9 years. In other words, the period of service for hire increased 50 per cent., while the length of the tenant stage more than doubled.

There are signs, too, that much of the tenancy that exists is a mere incident in the transmission of farms from one generation to the next. A recent study of a locality in Wisconsin shows that two out of five tenants bear the same name as the landlord. Add the sons-in-law, and more than half the tenants would prove to be prospective heirs. When the farmer lived out his

life on the old place, the farm was worked by son or son-in-law as a member of the family. Now that the farmer has retired to the village, it is worked by the relative as a tenant. The difference is *apparent* rather than *real.*

There are eminent students of the land problem who contend that a hard-working and thrifty young man starting with bare hands has a brighter prospect now than his grandfather had in the heyday of the famous song, "Uncle Sam has land enough to give us all a farm." To be sure, he reaches ownership perhaps fifteen years later, but then his farm is worth more than a frontier homestead and yields him a far better living. Meanwhile, he has the benefit of a developed community life and escapes the hardships and privations which sent many of the pioneers to untimely graves.

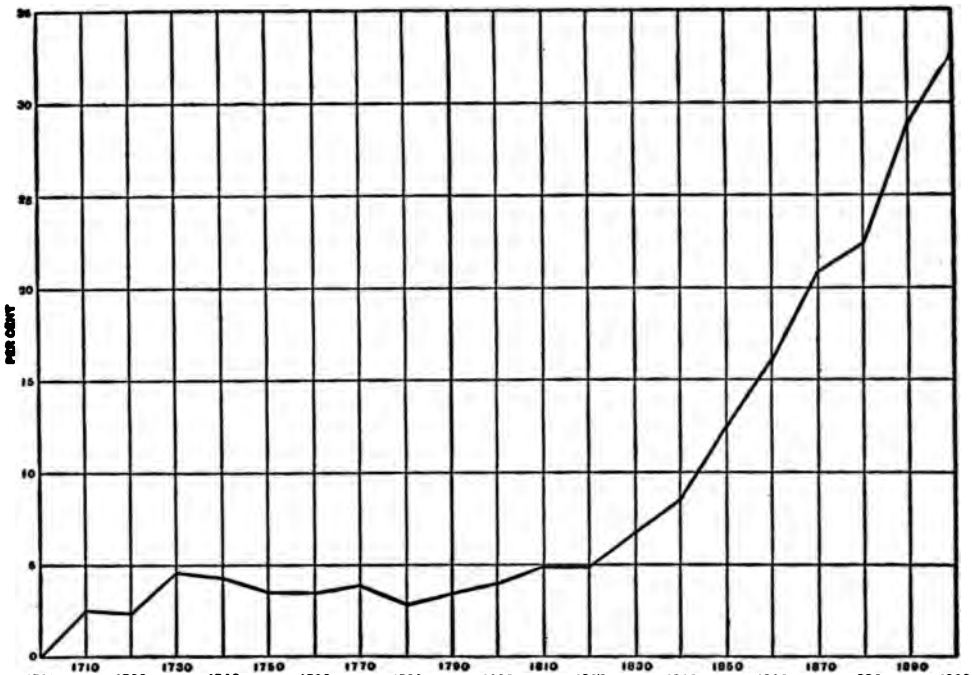
As regards the bad sort of tenancy, we may be sure it will not be allowed to grow indefinitely. Well do the American people realize that the enduring base of their democracy is a wide diffusion of farm-ownership and they will not allow this base to be eaten away. They will never let their yeomen disappear as the yeomen were allowed to disappear from England between 1820 and 1900. Once they are

awake to certain sinister tendencies, they may be trusted to act resolutely. By standardization of leases, boards to fix "fair" rents, the progressive taxation of agricultural land, or other means, they will contrive to handicap the absentee landlord and to smooth the way to ownership by the actual cultivator.

American farmers have shared rather tardily in the coöperative movement which has worked such wonders in Ireland, Denmark, Germany, and Russia. The intense individualism fostered in them by scattered settlement, poor roads, and production for home use has stood in the way of their team-work. It is in states with a large Scandinavian element, rather than in the pure-American parts, that rural coöperation has made its greatest strides. Still, special farming is a great teacher of union, and among the orange-growers of California, the apple-growers of Washington, and the dairy-farmers of Wisconsin, coöperation has taken firm hold. In Wisconsin there are nearly seven hundred coöperative creameries and cheese factories, six hundred coöperative telephone systems, and two hundred mutual insurance companies, not to mention coöperative elevators, stores, and

banks. The new slogan, "Better business," is turning the farmer's mind toward team-work, and some think he may soon become as heärty a coöperator as the North-European farmer.

The state, which formerly neglected agriculture, has of late found a thousand ways to aid it. The "high cost of living," which stole upon us a few years after our stock of virgin soil was gone, has stimulated every activity which may aid food-production. The United States Department of Agriculture, about twenty years ago, started on a growth which has made it the hugest pacific branch of governmental activity in the world. Its great stroke is the placing of expert advisers within reach of the farmers. Although the system of "county agents" as they are called, has sprung up within a dozen years, it will not be long before every one of the three thousand counties in the land will have its adviser, perhaps also its organizer of clubs and coöperative societies and its woman expert to give counsel to the farmers' wives.



Per cent of total population of United States in cities of 8,000 population and over

CHAPTER VII

URBAN AMERICA

WHEN George Washington became first President of the United States, our largest city had but forty-two thousand inhabitants, while only one American in thirty lived in the six towns of more than eight thousand population. At present there cannot be fewer than seven hundred such cities, in which dwell at least two fifths of all the people. The soul of Old America was rural. Americans were noted for practicality, coolness, shrewd common sense, homespun democratic ways and dislike of show, which are traits of farmers rather than townsmen. But so many of the oncoming generation are growing up in cities that it will not be long before the national soul is urban.

The indraught to the cities has become stronger since the disappearance of the frontier. Formerly the overflow from the farms split into two currents, the one current seeking the cities, the other seeking the West. Now it all pours

toward the cities. Then, too, the immense tide of wanderers from the Old World has thrown city and country out of balance. While earlier streams of immigrants flowed out upon virgin soil, the Latins, Magyars, Slavs, Greeks, and Levantines, who have predominated since 1895, have been drawn into the mills and become at once causes and victims of city congestion. Broadly speaking, the open country remains the stronghold of old Americanism, while the city is the "melting-pot." The foreign element is rarest on the farms. Its representation advances step by step with the size of the cities, until, in the very largest centers, the foreign-born constitute a third, and the foreign stock three quarters, of the population.

Thirty years ago the government of the greater American cities was something to blush for. While the local, town, state, and national governments were fairly honest, economical, and serviceable, cities like New York, Philadelphia, Chicago, St. Louis, Cincinnati, San Francisco, Baltimore, and New Orleans were ruled by corrupt rings which kept themselves in power by means of naturalization frauds, manipulation of the nominating machinery, vote-buying, "colonizing," "repeating," the filling of public

offices with party "workers" and the establishment of relations of protection and fealty with ignorant and helpless immigrants. The ring jobbed public works and the purchase of public supplies. In return for contributions and support it allowed railway, tramway, water, gas and electric-light companies to treat their patrons about as they pleased. For secret payments the saloons, gambling-shops, and houses of prostitution were allowed to prey upon the public without restraint. The public offices were rarely filled by competent men, while city employees, in order to keep their jobs, had to think more of serving the party machine than of serving the public.

The causes of a state of things so repugnant to American political traditions and ideals were these:

A large and shifting population.
A great proportion of recent immigrants.
Preoccupation of intelligent men with their business or profession.
A clumsy system of municipal government.

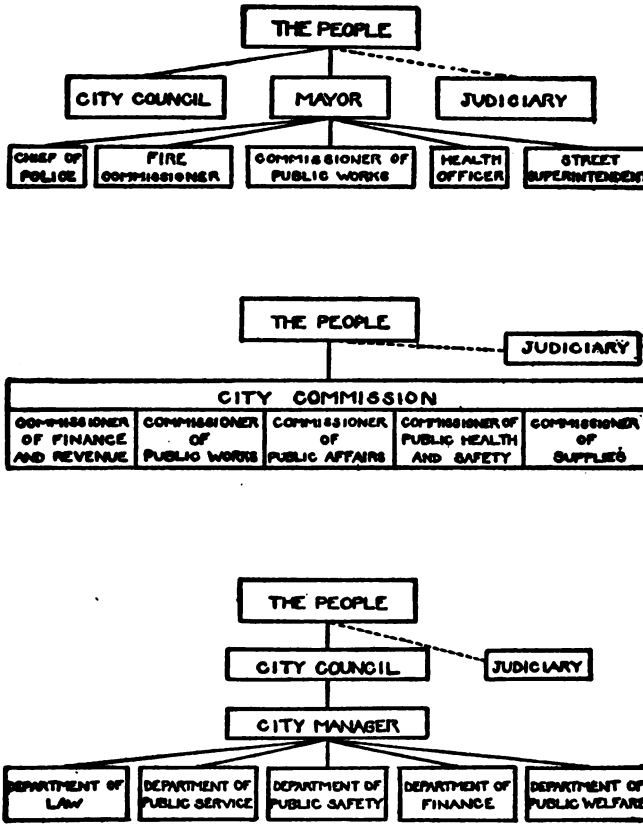
Through the first decade of this century, in the boss-ridden cities, resolute bands of "reformers" carried on a vigorous agitation

against the ring system. They set detectives and experts to unearthing evidence of waste, fraud, and favoritism, with which to rouse an apathetic public. They founded "bureaus of municipal research" to test the cost and performance of city departments. Non-partisan "municipal voters' leagues" kept records of each councilman and before election warned the citizens against the "gray wolves" of the city council. Public-spirited young business and professional men were organized into "city clubs" to fight for better things. By spreading right ideas of citizenship among the *naïve* foreign-born the social settlements drew them away from the ward bosses. Newspapers, even sordid ones, took up the fight on the bosses, for a shrewd editor could see with half an eye that here was thrilling melodrama with villains, heroes, plots, deeds of daring and "hair-breadth 'scapes."

The reformers made the country gasp with their proofs of city misgovernment, and when they found the ring too firmly intrenched, they were able to bring against them forces outside the city. They persuaded Congress to enact legislation to put a stop to naturalization frauds. They got the state to adopt the secret

official ballot, take the nominating machinery out of the hands of the bosses, separate municipal elections from other elections, require the advance registration of voters, and set up a "public utilities" commission to regulate companies operating under a municipal franchise. When they had forced the ring out of their bomb-proofs into the open, it was easy to beat them, for never has the ring been a conspiracy of the majority to exploit the prosperous minority. In no American city has a majority of the voters ever persisted in supporting a corrupt municipal government.

The ring is now as extinct as the dodo, but its passing did not bring efficient government. In order to keep separate the executive and legislative powers, the American municipality had followed the mayor-council model. But the councilmen elected by wards were likely to be petty politicians, rather than men known all over the city. Then, too, there were so many of them that individually they could wriggle out of responsibility for misgovernment. The voters knew not whom to blame when things went badly. Strangely enough, it was a great disaster—the wrecking of the Gulf port Galveston by a great storm in 1900—which brought



Mayor, Commission and City Manager plans of government

on a crisis out of which sprang the "commission" plan of city government. This contemplates the concentration of power in a board of, say, five men, elected "at large" and giving all their time to their duties. Each is working head of a department of administration, and as a board they legislate.

The plan gets bigger men into municipal service, makes responsibility definite, and leaves small shelter for "politics." It gives great power to a few men, but the people exact the fullest publicity and wield the power to "recall" at any time a distrusted commissioner. Moreover, they reserve the right to have submitted to a popular vote a measure which a certain percentage of the voters petition for but which the commission does not approve, and also a measure which the commission passes but which a certain percentage of the voters protest against. These safeguards of popular control are known as "initiative" and "referendum."

Although the largest municipalities fight shy of it, the commission form of government is now in operation in nearly five hundred American cities. Of late, however, much is heard of a yet newer model, the city-manager plan. The idea

is to entrust the management of a city to a non-political officer who shall be to the city council what the manager of a company is to its board of directors. He need not be a resident and may, indeed, be called from managing some other city, just as the successful works manager or mine superintendent is called from one job to a better job. Already about a hundred cities have such a manager, and the new profession of city management bids fair to eliminate the local amateur from the municipal scene.

While city governments now come near to doing what they were intended to do, the secret of the civic humanism that everywhere calls into being parks and playgrounds, baths and social centers, municipal high schools and universities, is to be sought in another quarter. The seven hundred social settlements which have been founded in one hundred and fifty cities since 1885 constitute, with their three thousand residents, a social movement which may be compared with that set up by St. Francis of Assissi. The idea is that a group of persons of the fortunate class should settle among the poor, become their friends, and give such help as a friend may. The success of these settle-

ments has surpassed all hopes. No one suspected that so many well-educated young people felt prickings of conscience about social inequalities and were wishful to serve the poor.

Out of the social settlements came a better feeling between alley and avenue. The slum-dwellers proved to have more virtue and talent, the rich more heart and conscience, than had been suspected. Ties of sympathy knit together the urban classes, and the better people in both learned to work shoulder to shoulder for the common good. The settlement served as an observatory from which watchers reported to the whole city how boss government was betraying the weak. The public learned how the groggeries broke city ordinances with impunity; how the police brutally arrested the pickets of girl strikers; how the streets in the industrial quarter were left unswept, and how the health department neglected the poor. Thus gradually the bosses were undermined among the wage-earners, the very citadel of their political power.

Thanks to this good understanding among the social-minded of all classes, "public welfare" has become a phrase to conjure with. People of means do not stand as one man against the

extension of city services which will not benefit them. The well-to-do are ashamed of the selfish minority of the propertied who make outcry over paying taxes to provide playgrounds, and to safeguard the health of the plain people. On the other hand, the poor do not insist on new services from the city government merely because they have the votes; they demand only those which they regard as "right." At bottom municipal socialism is a moral movement inspired by a vision of the "common good." The public-welfare aim was put into American city government not by a victory of proletariat over bourgeoisie, but by the leadership of humanist settlement residents, social workers, doctors, educators, librarians, architects, and probation officers, who captivated people with their pictures of what might be. The beauty of advance inspired by such motives is that no considerable class is left sore and unreconciled, and no political overturn can put in jeopardy what has been gained.

The good things the plain people are getting out of the regenerated city government are not "bread and circuses" but security, health, access to art, literature, and beauty. In such a program there is little to attract the coarse,

material man. The man in overalls is for it chiefly because of what it holds for his children —and other people's children. For really it is youth that is the privileged order under municipal socialism. The child-welfare stations, dental clinics, medical inspection of school-children, mother's pensions, juvenile courts, children's libraries, public baths, recreation centers, palatial high schools, and municipal universities are essentially for the rising generation. Wage-earners and capitalists, professional men and business men stand shoulder to shoulder in the noble hope of a finer race than inhabits the city to-day.

So many doors of opportunity have thus been opened that only weaklings feel themselves, nowadays, under the curse of a hopeless poverty. In the cities which receive many immigrants there may be congested quarters—the aforetime slums—but they are by no means stagnant pools of poor. They are, in fact, alive with currents which the visitor does not note. The East Side of New York changes its population, on the average, once in four years. Each wave of immigration leaves a sediment, to be sure, but most of the immigrants lay hold of public school or public library or social settle-

ment, save money, get on and move into the suburbs so that their places are taken by later comers.

Let it be granted that this civic rebirth has not come within sight of solving the social question. It has, indeed, brought about a wider distribution of welfare, but hardly a wider distribution of wealth. What has been done has not lightened the basic task of getting clothes, shelter, and three meals a day. The strife of labor and capital goes on just as before. The division of the product of industry is unchanged, for there is little that a city government can do to affect the position of property in our law. That is a matter determined by the state and national governments. But the poets and seers of the municipal movement have faith that, by bringing within the reach of all the higher goods of life, they can rear a generation which will have the wisdom and the self-mastery needed for solving the social problem.

CHAPTER VIII

BUSINESS

FIFTEEN years ago successful business men enjoyed in America an unheard-of prestige and leadership. There was no territorial nobility, as there is in Europe, to overshadow them. Administration being a little developed side of government, public officials and civil servants cut no great figure in the public eye. Army and navy officers were too few in number to wield much influence. The clergy had been losing in authority for a long time, while the profession of law was looked upon as little more than the handmaid of business. As for scholars, they were dwarfed by the millionaires who created universities or found the money for their salaries.

In truth, there was some justification for business men coming into the lime-light. During the seventh and eighth decades of the last century, the completion of the country's railway net and the low cost of rail-carriage revo-

lutionized the conditions of business. The miller, the brewer, the slaughterer, or the manufacturer was no longer confined to a regional market. He was confronted with the glittering possibility of dominating a market as wide as an empire. But the same possibility was open to other millers, brewers, slaughterers, and manufacturers, so that there ensued a period of intensified competition among those in the same branch of business. This soon led to the dominance of a few large concerns and the disappearance of the rest.

As the possibility of reciprocal invasion of one another's market brought about "cut-throat" competition among the survivors, these entered into "trusts" or "combinations" of vast capitalization and fabulous profits. In the years 1898–1902 the rage to get consumers on the hip by means of a combination to control prices extended even to branches of business which had not suffered from cut-throat competition.

The spectacle of fortunes made overnight out of the anticipation of profits to be reaped from the combining of railroads, smelters, or mills, swept many men from their anchorage in com-

mon sense. An infatuation for "business" was aroused, by no means all sordid, for it was the *power* of the "kings" of railways, oil, steel, copper, sugar, or tobacco that was coveted, rather than their *money*. To the less thoughtful public, business came to wear the aspect of a big exciting game played for colossal stakes. Since the strain on the players was terrific, the winners were hailed as supermen. There was, to be sure, some ground for this hero-worship, for business had long been a magnet for ambitious youth. After the Civil War commercial pursuits attracted far more than their fair share of the talented young men of each generation.

Beginning with the curbing of the Western railways by farmer-legislators in the early seventies, a movement to regulate certain forms of business in the public interest developed side by side with the merger of railways, the "trustification" of industries, and the general tendency toward the concentration of control into a few hands. But in the period, 1897–1906, the movement made no real headway, while the regulation already achieved came to be little better than a sham. Corporation lawyers who had been exalted to the judge's bench had no hesitation in finding regulative enactments "uncon-

stitutional." The edge of the law always turned when it came against large enterprises. The political parties pretended to fight the magnates, but their managers were secretly hand-in-glove with them. Notwithstanding the indignant protest of the producing classes, the commercial and professional groups, the intellectuals, and the propertied class were apathetic or hostile toward regulation. A host of sycophantic newspapers, politicians, and paid advocates held up the "captains of industry" as the arch-benefactors of society. Taking their cue from their most envied members, the business group become intoxicated with self-importance and felt themselves superior to the law of the land. It is literally true that from about 1900 to 1903 many of the accepted spokesmen of business in the United States were distinctly of the predatory type and propagated a criminal manner of thinking. Meanwhile the disappointment and wrath of the farmers and working-men reached such a point that in thoughtful circles it was common to liken the period to that immediately preceding the French Revolution.

Fortunately the spell was broken by the flood of light cast upon the ways of big business dur-

ing the "epoch of exposure" beginning about 1901. A number of brilliant magazine writers made the public acquainted with the inner history of railroad finance, the life-insurance companies, the "trusts," and the municipal public-service companies. The magazines which first dared to play the search-light upon the most powerful men in the country quickly gained readers and made money. Observing that fire did not fall upon them from heaven, other periodicals joined the hue and cry. Little newspapers which braved their bankers and big advertisers in order to publish the truth grew like mushrooms. Then administrative boards and legislative committees began to investigate and brought to light conditions worse than even the magazinists had suspected.

By a clever use of publicity President Roosevelt made such probes his ally in putting the intrenched "interests" on the defensive and wresting remedial legislation from a reluctant Congress. Within five years a great revulsion of public feeling had taken place. For the first time the citizens were able to see why the vicious political machines bore a charmed life. The hidden powers were laid bare that paralyzed the arm of government, manipulated the courts,

and made jumping-jacks of the newspapers. Hitherto, among educated people it had been considered vulgar to denounce the conduct of great enterprises. But now conviction penetrated the very citadels of honest conservatism. Bishops, scholars, writers, professional men, retired persons, and sometimes even the propertied threw their weight on the side of protest and reform. The infatuated public perceived that it had been worshiping false gods and transferred its trust from the captains of industry to the devoted reformers, settlement workers, economists, scientists, and agitators who had faithfully warned them when truth-telling was not only unpopular and unprofitable but even perilous.

By 1908 or 1909 "muck-raking," as it was called, came to an end, partly owing to the unscrupulous coloring of facts by sensational magazinists, partly because all business men—the straight as well as the crooked—were falling under the suspicion of the public. Nevertheless, the "muck-rakers" left lasting effects in the realm of commerce and finance. Many business men who had been drifting with the tide came under the conviction of sin, mended their ways, and helped to make others do the

same. The corporations in the public eye hastily rid themselves of their discredited agents and put in charge of their affairs upright men who commanded public confidence. As commercial practices improved, men who had been handicapped by their scruples came to the front. A new type—clean, public-spirited, and social-minded—gained leadership in the business group.

Since then a revolution has taken place in commercial ideals. Money-making without regard to moral standards and the law of the land has fallen into bad odor. Regulation is no longer waved aside as mere "meddlesome interference." The doctrine that service is the sole justification for profit wins a growing acceptance, although it would be too much to say that it actuates the ordinary business man. From the courses in commerce in the universities go out trained young men imbued with a professional feeling for business. In schools of business administration and of journalism, no less than in schools of law and of medicine, instruction in the ethics of the calling has come to be an essential part of the curriculum. Nearly every town has its "association of commerce," which takes as its aim, "to make busi-

ness thrive by promoting the welfare of the entire community."

There is now no reason to suppose that the tone of business here is not at least as high as it is anywhere in the world. In short, this change wrought in the course of a few years, by a redirection of public opinion, constitutes the most striking moral transformation in the history of American society since the rise of the anti-slavery movement.

CHAPTER IX

LABOR

THANKS to free schools and the reading-habit, American labor has been far from blind to its own interests. Nevertheless, the labor movement was slow to develop in the United States owing to the ease of getting a farm or a business for oneself and becoming independent. The frontier has always been a haven for the strong, discontented spirits of the working-class—natural leaders who would have welded and wielded their class had they stayed with it. The solidity and good generalship of labor-unionism for the last twenty years is due in part to the closing of the old outlet for insurgent working-men.

For a long time American labor was on the up-curve, but of late it has had to cope with certain adverse conditions. The combining of many scattered concerns into a "trust" gives capital the whip-hand over labor, for, if one plant is tied up by a strike, its orders will be

filled by the other plants in the trust. In the end, there is nothing for the strikers to do but submit. This is why, until the War Labor Board took a hand in the matter, unions were virtually excluded from the widening field of "trusts."

Women, who fifty years ago were but an eighth of all wage-earners, now form nearly a quarter. Their growing competition is a handicap to the unskilled male workers, for, in general, women employees do not fight for their own hand as men do. Besides, nearly half of them are single women, twenty-five years of age or under, who have a prospect of marriage and hence do not stake their future on their job.

Far more serious is the competition to which unskilled labor has been subjected by the vast streaming-in from Mexico and the low-wage parts of Europe. To the employer this inflow of aliens, many of them used to a vegetable diet, child labor, and meek obedience, is a godsend. In the forty years since he began rubbing this Aladdin's lamp his profits have been sensational. But to the Americans exposed to its competition this immigrant tide has brought hardship. Often foreign labor was introduced into an industry not from lack of hands but in

order to replace the too-demanding natives. The history of the foreign-born in soft-coal mining is the story of the replacement of English-speaking miners first in Pennsylvania and West Virginia, next in the Middle-Western field, and lastly in the coal regions of the Far West.

The immigrants arrive needy and bound to take a job at any pay. Coming from the farm, they lack the trade-union idea. Without our speech and often illiterate, they are hard to reach and bring into line. The labor organizer, it is true, wins them in the end; but by the time one group has been welded into a union he has another bunch of "greenies" on his hands. So the lines of labor are weak, forming, breaking, and re-forming in the face of intrenched capital. From some of the flooded industries labor organizations had quite disappeared in the decade before the war.

With these currents against him the common American laborer was falling behind until the war came to his rescue. Between 1900 and 1912 money wages rose, but real wages fell probably as much as ten per cent. Formerly each ten-year census seemed to show more of the product going to labor, in spite of the fact that more capital was working with the laborer. But the

1910 census revealed capital getting more of the product and labor getting less. Before the war nearly half of the men in organized industry earned less than $600 a year, while four fifths received less than $750. Such incomes may have looked good to the toilers of other lands, but not to Americans, who felt that even the unskilled ought to keep up with the social procession.

Still, labor is far stronger socially than it was thirty years ago. Newspapers no longer allude airily to the "so-called" labor question. Nowadays it is vain for employers to brand all labor leaders as anarchists and dynamiters. The once-skeptical middle class has come to recognize the reasonableness of labor organizing, and public sympathy has helped win many a strike. The courts no longer throw out every labor law as "unconstitutional." Scores of labor bureaus, state and federal as well as private agencies, probe into wages, hours, and working-conditions, so that rapidly the dark places in industry are emerging into the light of day.

Ignorant of a remedy for the low wages of the unskilled, the public has stilled the prickings of conscience by attacking certain other bad spots. Stirred by the ghastly story of in-

dustrial accidents, it has done much in the last dozen years to make industry safe. Everywhere but in the South the states provide that, outside of agriculture and housework, the injured wage-earner shall receive compensation. Child labor, a growing evil fifteen years ago, has been curtailed. While a general law limiting the working-day for men would probably be declared unconstitutional on the ground that it interfered with "the freedom of contract," judges allow the legal eight-hour day for women and it is coming in everywhere. The underpayment of young women in mill and shop came to be such a crying evil that eleven states fixed a minimum-wage for working-women. It is now settled that America will take any steps necessary to save her women and children from being devoured by the machine.

The war has given labor a new horizon. The sudden cutting off of immigration so relieved the labor market that an eight-hour movement sprang up which soon swept the country. After America entered the war, the demands of the army and the war industries enabled labor to advance its wages to a very satisfactory level. The stretching out of governmental authority over war industries gave a great lift to labor

organization by opening to the unions fields from which they had long been shut out. Setting aside the Industrial Workers of the World (a very small organization with syndicalist aims, which has its strength chiefly among immigrant, floating, and seasonal laborers), one can say that organized labor believes it can take care of itself by the use of economic weapons within the present social order and without any aid from the state. It will not hear of a legal minimum wage for men, and compulsory arbitration. So long as immigration is restricted and it suffers no curtailment of the right to agitate, to organize, and to strike, it feels strong enough to force trade agreements which will protect its interests.

Nothing puzzles the European radical so much as the acquiescence of American workingmen in private capitalism. Less than six per cent., perhaps no more than three or four per cent., of them are socialists. In their non-revolutionary spirit they stand quite apart from most European labor. For this there are various reasons.

In America, owing to the relative scarcity of workers and the high productivity of labor aided by the best machinery, the wage level is

high in comparison with Europe. The foreign-born, finding themselves two or three times as well off as they were in the Old World, feel that they have made a good bargain by coming to this country.

In America the skilled worker stands higher above the unskilled in pay and influence than is the case in Europe. Having little we-feeling with the unskilled workers, who are largely of foreign birth, he is slow to make common cause with them. This want of solidarity stands in the way of sympathetic strikes and working-class political movements.

It is not at all uncommon for the abler skilled worker to save enough in a few years to start in business on his own account, e.g., as contractor or merchant. In Europe the low wage level does not admit of this. In America the labor leader who has the gift of winning and swaying men has a good chance of making a career for himself in politics. In Europe the state service is too hedged about for this to be possible. Of course, not many Americans thus clamber out of the labor group; but for one who does there will be ten who think they can. Thus many of the clever working-men do not feel that

they are "in the same boat" with the common run of wage-earners.

In Europe conquest and feudalism have left a deep stigma on manual labor. In America the stigma is much fainter. Generally there is level speech and a certain readiness to fraternize between manly and intelligent men, whatever their calling. The professional men and the propertied do not humiliate the workingman with open contempt or condescension. Labor is so respected that a national holiday, Labor Day, is set aside in its honor.

The European worker, waging a double fight —with the capitalists for better wages and with the ruling class for political rights—breaks with the past and becomes a revolutionist. The American worker, on the other hand, does not hate the past. To him democracy recalls Lincoln and Jefferson and the signers of the Declaration of Independence. The European worker, finding the church a state-supported institution in which he has no voice, turns atheist. The American, having a free choice among people-supported churches, keeps his religion and is steadied thereby. Notice, too, that labor abroad follows the lead of intellectuals who

contemplate a new social order, while American labor develops leaders out of its midst and does not take its cue from outsiders.

The crowning proof of how little American wage-earners feel themselves to be a class apart is their unwillingness to act together politically. Notwithstanding they have had the suffrage in the Northern States for at least eighty years, there is no chance here for a labor party, such as one finds in Europe. A dozen or more attempts to found such a party has failed, owing to the fact that, as soon as a labor party shows strength, one or the other of the national parties will bid for the labor vote by adopting "planks" from its platform. Not being class parties they have a spirit of justice and good will which prompts them to give labor what it wants in so far as it does not seem unreasonable. In this way labor secured, even in the early days, mechanics' lien laws, wage-exemption laws, home-exemption laws, wage preference, and the eight-hour day in public employment. As for those "labor" planks which no national party will touch, they are argued down and laughed at until even the working-men themselves generally lose faith in them. Thus the bulk of the workers are held

in solution in one or the other of the great non-class parties which have members in every calling and at every level of American society. Labor leaders by no means hold that American conditions are ideal; but they feel that labor has here a fair field, is steadily gaining, and will continue to gain if it shows intelligence, persistence, and self-restraint.

CHAPTER X

DEMOCRACY

THE American Declaration of Independence of July 4, 1776, stated:

1 That all men are created equal.

2 That all have been endowed by their Maker with certain inalienable rights of which they cannot be divested by any power and of which they cannot lawfully deprive themselves.

3 That among these rights are life, liberty, and the pursuit of happiness.

It follows that "Government is constituted among men for the sole purpose of protecting these rights," and that all governments "derive their just powers from the consent of the governed."

These principles are just as truly the foundation of "government of the people, by the people, for the people" (to use Abraham Lincoln's phrase) as the divine right of kings is the foundation of autocratic monarchy.

But it must not be inferred that the men who

so fittingly set forth the principles of democracy then were members of a democracy. Religious prejudices, the distinctions of rich and poor, of learned and unlearned, which had come down from colonial times, still held sway and maintained a governing class, by no means narrow or oppressive in comparison with the ruling classes of other lands, but still a class.

Nowhere were voting and office-holding open to all men when the revolting English colonies entered the path of independence. In every one of the thirteen original states they were hedged about by religious and property qualifications. For example, in one state the governor was required to own property worth one hundred pounds, in another he had to have five hundred pounds, in another five thousand pounds, and in South Carolina ten thousand pounds.

Thirty years after the founding of the United States of America in 1789, a generation had reached manhood which had been bred upon the doctrines of the Declaration of Independence. What had been a phrase to the fathers was an article of faith to the sons. Moreover, the interior was being settled by a distinctively American population, under liberal land laws, so that here the sort of equality contemplated by the

Declaration of Independence was in large measure realized. From these commonwealths that had never been colonies, had never known class rule and crown governors, democracy blew steadily like a trade-wind.

The second quarter of the nineteenth century saw the adoption of manhood suffrage, the multiplication of elective offices, the shortening of the terms of officials and public servants, the spread of the custom of submitting new state constitutions to popular vote, and the working out of party organization on a democratic basis, as we have it to-day.

In 1870 the negro freedmen received the ballot. Moved by the frauds in the presidential election of 1888, the states provided, 1888–1890, for secret voting. The revelations of the "epoch of exposure," 1901–1908, excited general alarm and led to a series of measures designed to break down the "invisible government" which was being substituted for the rule of the people. Chief of these were acts punishing corrupt practices in elections, limitation of the expenditures on political contests, compulsory publicity of "campaign" contributions and expenditures, the nomination of candidates by secret ballot of all party members, the elec-

tion of United States Senators by the people of the state instead of by the legislature, popular law-making by means of the "initiative" and the "referendum," and the right of the people to oust an official by a vote of "recall." Thanks to these new bulwarks of democracy, the American people now believe they are masters in their house. If the cards are stacked so as to ensure the rule of any class, the people do not know it.

But, if America has been a genuine democracy, how was property able to gain for itself the extraordinary protection—against progressive taxation, against even legislative enactment—which it enjoyed through most of the nineteenth century? The explanation is that the opportunity to acquire ownership of farms made the settlers in the West conservative. Since most of the voters owned productive property or expected to own it, restriction on the rights of property found little favor in their eyes. During the development period of the country capital was singularly favored. No usury laws, no acts protecting factory workmen, freedom of banking, strict enforcement of money contracts, ease of incorporating joint-stock companies, open-handed bestowal of pub-

lic-utility franchises, absence of regulation of the charges of railroads, public-service concerns, and insurance companies. The cause, however, was not, as a stranger might easily suppose, the secret domination of capitalists, but the lack of capital in a new country and the resulting rivalry of young states to attract capital to themselves.

Moreover, in bringing the new forces under the law, American democracy was hampered by a heritage of false doctrine. Early in the last century, Americans generally held an individualistic philosophy. According to this philosophy, government is "a necessary evil." Business should go unregulated because in the long run competition suffices to protect the consumer. Natural resources owned by government should be transferred as speedily as possible to private hands.

State interference is considered "meddlesome," save when it aids private property to increase its gains. Aside from security and order, there is no social interest save the protection of personal freedom and the rights of property. From this point of view, there can be no labor question, for the workman dissatisfied with his wages or his treatment is at per-

fect liberty to quit work without warning and seek another job.

This philosophy was reasonable enough at the time. The people had in the past suffered more at the hands of government than from any other agency and very naturally they were on their guard against it. The new tyrannies had not yet shown themselves. No one foresaw the path of development society was to follow. So it was that many of our wisest and best men spread among the people a philosophy which later was to prove a snare.

Now, the impositions suffered by the public at the hands of public-utility companies, "trusts," speculators, food-adulterators, and owners of bad tenement houses can be ended only by means of government intervention, so that in order to obtain relief the American people had to abandon their inherited faith in the harmony between private interest and public interest and their traditional suspicious attitude toward government. The about-face was made earliest among working-men, farmers, and shippers, who from experience had learned where the shoe pinched. The politician-tools of "big business" restrained the rest by playing artfully upon their prejudices, so that it was

usually only the younger men who accepted the philosophy proper to the new time. Even after a majority of the voters had been converted, lawmakers, judges, and officials drawn from a legal profession steeped in an antiquated individualism seriously delayed the giving effect to their will.

The evils American democracy has been so tardy in dealing with had their source not in original defects in our institutions and laws, but in economic developments which no one anticipated and for which no one deserves blame. Thus the strife of laborers and capitalists grew straight out of large-scale machine industry. It was the inventors who made the big concern more profitable than the small concern, so that it captured the field. Certain public-service agencies which have sprung up—such as railroads, tramways, telegraphs, telephones, and concerns distributing from a central source water, gas, light, or power—are monopolistic *by nature.* The railway consolidations which made the ordinary shipper a pygmy were called into being by the great economies of systematized transportation. Those who made steam-haulage so cheap that no manufacturer's market was secure from invasion by distant manu-

facturers, brought on the desperate price-cutting which paved the way for the movement toward the combination of all competing producers. It is the growth of advertising which is responsible for the commercialization of the newspapers. The overgrowth of cities had a very innocent cause, viz., the inrush of myriads of European peasants.

Let it be borne in mind, too, that, under the stimulus of freedom and opportunity, our industrial development has been more rapid than that of any other people. We have run through the series of modern economic changes at high speed. Consequently, problems have presented themselves, not one at a time, but in battalions. Admitted evils have been allowed to grow and spread root, simply because a democracy cannot attend to many things at a time. Like the green hunter who fires at random into a bevy of quail bursting from a thicket and brings down nothing, the people became confused and at first listened to political quacks rather than to experts. The years between 1890 and 1905 were nearly wasted. The persistence among us of distempers we do not yet see how to cure does not imply tolerance of them. We recognize them and are anxious.

They are here in spite of the general will. Many maladies have already been remedied and others will be cured as soon as the remedy is found. It is in the nature of democracy not to nip evils in the bud, but to attack them only after they have waxed big enough and mischievous enough to arrest popular attention.

Then, too, one thinks longer before cutting a cataract off the eye than before opening an abscess. In respect to a plain wrong like peonage, the public lottery, race-track gambling, railroad discrimination among shippers, loan-shark extortion, tax-dodging, vote-buying, public-land frauds, etc., the public has demanded action as soon as it realized what was going on. But evils like low wages, "speeding up," Sunday work, industrial conflicts, crushing of trade-unionism, combination of competing concerns, dealing in "futures," waste of natural resources, and the growth of tenancy are connected with vital economic organs or processes, and the people hesitate to call for the use of the knife lest awkward surgery injure the system of production and distribution. The people fear lest the attempt to extirpate certain noxious growths will do more harm than good. Or else they are bewildered by conflicting advice.

Thus for years Mr. Bryan, leader of the Democratic Party, insisted that all "trusts" are bad, Mr. Roosevelt, leader of the Republican Party, held that some are good and some bad, while Mr. Debs, on behalf of the Socialist Party, proclaimed them inevitable, and good in case the public owns them.

The irresistible power of the people, once they are aroused, is shown by the fate that befell the railroad "magnates." Until about twelve years ago the consolidation of lines into great systems and the linking up of their management with big industrial and banking-interests was creating real railway-empires. In 1904 a majority of the boards of directors of all important roads east of the Mississippi River could be selected from a group of thirty-five persons. At his death the magnate Harriman controlled twenty-five thousand miles of railway and had large influence over fifty thousand miles of other railway. Railway management had become a colossal and ruthless game, in which the rights of small shippers and small investors were ignored.

Owing to the decisions of jealous courts, the Interstate Commerce Commission had been reduced to virtual impotence. But in 1903 the

Elkins Act struck at secret and discriminating rates. The merger of competing roads was held unlawful in 1904. In 1906 the Hepburn Act separated transportation from other business, gave the Commission rate-making powers, and widened its jurisdiction. The next year there was a great outburst of railroad-curbing by the states and more than three hundred railroad measures were passed. Two years later forty-one state legislatures enacted nearly seven hundred laws affecting railroads. The next year, the Mann-Elkins Act gave yet more power to the Interstate Commerce Commission. In 1913 Congress provided for a physical valuation of railway property to obtain a basis for just rates. Five years later the government took over the railroads as a war measure and their magnates, lawyers, and lobbyists vanished from the scene. Thus in the brief period of twelve years the proud overlords of commerce have been shorn of their power. If the "trusts" have not been brought to their knees in like fashion, it is not from want of power but only because the leaders of opinion have not been clear as to the course that ought to be followed.

The Socialist may insist that the working people of America are benighted or prejudiced or

deceived. He may declare them blind to their true interest. But he cannot truthfully say that they lack the power to better their conditions. The courts may stand in their way for a while. A Constitution which can be amended only by three fourths of the states affords some shelter to a large minority. Nevertheless, a candid man must recognize that the social order in America is what it is, not essentially because of the resistance of courts and Constitution, but because, as yet, the great majority of the people do not will some other social order.

Since this is so, the unpardonable sin in a would-be reformer is *impatience*. In ordinary times no serious obstacle exists to agitating on behalf of what one believes to be improvements in our laws and institutions. Already eight of the twelve demands of the People's Party in 1892—which were then greeted with jeers by the great majority—have become law. There is, therefore, no excuse for advocating violence as a short cut to reforms. Where there is a free course for ideas, the radical who will not wait on the slow process of persuasion is no friend of democracy. He is no better than the rich man who would throttle free speech because he does not trust the people. Big evils are to be

removed, but the man who would force reform by means of a resolute minority is morally on a level with the Prussian Junker.

In ninety-nine cases out of a hundred, minority rule means government by the propertied class to the exclusion of the mass. It is therefore dead against the permanent interest of the toilers to put through any reform, no matter how excellent, by means of a minority. The American principle that the will of the majority should prevail, and that if a certain minority has the right idea it will be able in time to make itself the majority, is the only safe principle to follow. In the end, the welfare of the people will be advanced more speedily on this principle than on any other. If a determined active minority snatches an advantage for the people by a sudden stroke, there will soon be a reaction which will sweep it all away. So, in the long run, that method of hurrying social progress *does not pay*. The true friend of the people is he who gets out into the arena and battles stubbornly for his ideas, who takes political defeat good naturedly, who comes up smiling for the next round, and who perseveres until he has won over the majority or sees that he has been in the wrong.

APPENDIX A

A classic statement of eighteenth-century political democracy is found in the Virginia Bill of Rights adopted just prior to the Declaration of Independence. In the light of later experience we find this statement lacking,—

1 In recognition of other menaces to popular freedom than the misuse of the powers of government. The framers knew nothing of railroads, public utilities, large industrial enterprises, corporations, and "trusts," and hence could not foresee that one day governmental authority would be invoked to protect the consumer, the patron, the "independent" enterprise, and the employee.
2 In appreciation (see Sections 5 and 13) of the need of special training and security of tenure in the civil and military services as well as in the judiciary.

On the other hand, the statement recognized certain truths which too often have been lost sight of:

1 Voting should be reserved for those who "have sufficient evidence of a permanent common interest with, and attachment to, the community." This surely is more reasonable than extending it to every one who is twenty-one years of age, even if he be half-witted, unable to read, or an habitual law-breaker. The wholesale granting of suffrage to the freed negroes in 1870 had bad results, as had also the over-easy naturalization of the foreign-born until the Federal Law of 1906.

2 Democracy summons the citizen to exercise the virtues of moderation and self-control. If one's vote reflects one's ordinary self, very likely it will be a bad vote. Moral effort is called for. The good citizen will put aside his passions, prejudices, partisanship, and selfishness, just as the upright judge puts aside his private feelings and interests.

VIRGINIA BIIL OF RIGHTS—1776 [1]

A declaration of rights made by the representatives of the good people of Virginia, assembled in full

[1] This declaration of rights was framed by a convention, composed of forty-five members of the colonial House of Bur-

and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government.

SECTION 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

SEC. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

SEC. 3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

SEC. 4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public serv-

gesses, which met at Williamsburgh, May 6, 1776, and adopted this declaration June 12, 1776.

ices; which, not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

SEC. 5. That the legislative and executive powers of the State should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

SEC. 6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented for the public good.

SEC. 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and

witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

SEC. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

SEC. 11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

SEC. 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

SEC. 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

SEC. 14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of the government of Virginia, ought to be erected or established within the limits thereof.

SEC. 15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

SEC. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other.

APPENDIX A

[THE CONSTITUTION OF THE UNITED STATES OF AMERICA]

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, *three fifths of all other Persons.*[1] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.[2]

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the

[1] The clause in italics superseded by the 13th and 14th Amendments.
[2] This paragraph was superseded by the 17th Amendment.

fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the age of thirty Years, and been nine Years a citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to indictment, Trial, Judgment and Punishment, according to Law.

SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been en-

creased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevents its Return, in which Case it shall not be a Law.

Every Order, Resolution,[1] or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

[1] Resolutions of Congress proposing amendments to the Constitution do not require the assent of the President.

SECTION 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies[1] throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;[2]

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[1] A bankrupt law enables a person who is unable to pay all his debts to divide what property he has among his creditors proportionately and to be discharged from legal obligation to make further payment. Congress has absolute power in the matter of bankruptcy, but it has not exercised this power continuously. The present bankrupt law was passed in 1898. In the absence of legislation by Congress the State regulates the subject of bankruptcy.

[2] An author may secure a copyright on a book by sending to the librarian of Congress at Washington a copy of the title-page and two copies of the book on or before the day of publication. The copyright gives an exclusive right to sell for twenty-eight years, a period which upon application may be extended twenty-eight years. A patent secures to an inventor the exclusive right to manufacture and sell his invention for seventeen years. Patents are secured by sending to the Commissioner of Patents at Washington a working model of the thing invented.

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively the Appointment of the officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government and of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

[SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.][1]

[1] This clause has no longer any significance.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representatives, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such a Majority, and have an equal Number of Votes, then the House of Representatives shall immedi-

ately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.][1]

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[1] This paragraph has been superseded by the 12th amendment.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the Executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge neces-

sary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State:[1]—between Citizens of different States;—between Citizens of the same State

[1] This clause was modified by the 11th amendment (p. 153).

claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to remove to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.][1]

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State, nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

[1] Since the abolition of slavery this clause has had no significance.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States

and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G°: WASHINGTON—*Presidt.*
and deputy from Virginia

Attest WILLIAM JACKSON, *Secretary*

New Hampshire { JOHN LANGDON
NICHOLAS GILMAN

Massachusetts { NATHANIEL GORHAM
RUFUS KING

Connecticut { WM. SAML. JOHNSON
ROGER SHERMAN

New York . . . . . ALEXANDER HAMILTON

New Jersey { WIL: LIVINGSTON
DAVID BREARLEY
WM. PATERSON
JONA: DAYTON

Pennsylvania
- B. Franklin
- Thomas Mifflin
- Robt. Morris
- Geo. Clymer
- Thos. Fitz Simons
- Jared Ingersoll
- James Wilson
- Gouv Morris

Delaware
- Geo: Read
- Gunning Bedford jun
- John Dickinson
- Richard Bassett
- Jaco: Broom

Maryland
- James McHenry
- Dan of St Thos. Jenifer
- Danl Carroll

Virginia
- John Blair—
- James Madison Jr.

North Carolina
- Wm: Blount
- Richd. Dobbs Spaight
- Hu Williamson

South Carolina
- J. Rutledge
- Charles Cotesworth Pinckney
- Charles Pinckney
- Pierce Butler

Georgia
- William Few
- Abr Baldwin

ARTICLES

IN

ADDITION TO, AND AMENDMENT OF

THE

CONSTITUTION OF THE UNITED STATES OF AMERICA[1]

PROPOSED BY CONGRESS AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE CONSTITUTION

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

[1] The first ten amendments were adopted in 1791.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person should be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in the time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been

committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI[1]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, com-

[1] Adopted in 1798.

menced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII[1]

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

[1] Adopted in 1804.

The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII[1]

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV[2]

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, ex-

[1] Adopted in 1865. [2] Adopted in 1868.

cluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any States, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss of emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV[1]

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI[2]

The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII[2]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

[1] Adopted in 1870.
[2] Adopted in 1913.